Ten Years of Massachusetts.

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TEN YEARS

OF

MASSACHUSETTS.

BY

RAYMOND L. BRIDGMAN.

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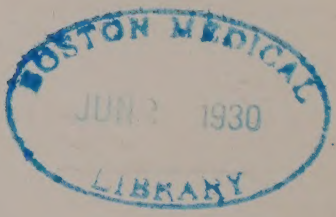

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TEN YEARS OF MASSACHUSETTS.

THE COMMONWEALTH.

THE truth that the state has not advanced beyond its laws, and that its progress is to be seen in those laws makes the study of them—and of the intelligence, conscience and will of the state as seen in them—most helpful in understanding the state's progress. To him who has the vision to see through the laws, they are more thrilling than fiction, for they touch the lives of those who "stand out and take the thunder and lightning" of life's poverty and calamities as well as of those who seek by the laws new means of protecting themselves in the acquirement of wealth.

Every general law is an attempt to deduce from what has happened (sometimes in only a few instances) rules to govern what may happen again. The state's foresight is the result of looking backward. It locks the stable door after the horse has been stolen, but because so many other horses are left. Back of the laws are the suffering and loss on which they rest, material or moral. In every line of the liquor laws

has gone the costliest human experience, and into the structure of the new employers' liability act went the tale of much injustice added to injury, and even such horrors as that of the brakeman, knocked from his place at night in an icy cut among the Berkshire hills, who was "picked up in baskets." Tragedy at every point is behind the laws. They come close home to the people, and in a large sense there is nothing that can illustrate the progress of recent years like the laws enacted during that time.

The life of Massachusetts for these years is not only a concern to those who have shared it, but also to those who are to shape its future, for they can act intelligently only as they are familiar with its past. That life will be of interest, either by example or by warning, as the operations of its laws will show, to those other parts of the Union which will in time have her density and variety of population and her complexity of industries.

These years show that the state does not believe that it is governed too much, but rather that the state, like an intelligent person, does all that it can to promote the perfect development of every part of its organism. Hence, at every point where it sees that some of its members are encroaching upon others more than is for the good of the whole, there it interferes to establish justice and to promote prosperity. The state

is continually extending its sphere of action and shows no sign of a change in its policy.

In the state is more than is in any individual person. In it is the will, the choice of right or wrong, and the recognition of its obligation to make that choice. In it is the prosperity or misfortune of each individual part, for as the state follows the course which gives to each part full freedom to develop all of good there is in it and represses every tendency of its individual parts to injure each other, so will it attain its own highest possibility and the highest possibility of each of its individuals. In the state is the common sense of all its parts united. Its intelligence is the sum of the experience of its past, as comprehended and set in the form of the present by its several parts. Its will is the will of a majority of its parts, or the will of the few impressed by their strength of self-assertion upon the majority. Its laws are the expression of its common sense, put into the form of its will, and show both what it has had the intelligence to perceive and the will to resolve to do.

Beyond the will of the state the community has not progressed, whatever may be true of individual parts. Beyond the laws of the state the community knows nothing in that sphere where knowledge is to be carried out in action. Up to the height of its laws, then, has the community ascended and no higher.

But the state has its weakness. Unworthy methods are combined with worthy. Its laws are made by a clash of interests or by a combination of good and selfish forces. Hidden influences shape the making of laws. The state is sometimes deceived by those who wish to secure its powerful protection for their schemes of money-making or political advancement. It is credulous when its confidence has not been betrayed. It is incredulous of merit, when once it has been deceived. It is slow to enact justice. It lives from age to age, with the consciousness that its existence is eternal. It is never in a hurry. It has no fortune to make, no goal to reach within a given time.

In the following pages the chief lines of development within ten years are indicated. During those years it has been the privilege of the writer to be familiar with the legislation of the Commonwealth in the process of formation and enactment, and he writes of those things only which came under his personal notice. No attempt is made to trace the lines which are comparatively of small importance, but only to show the most salient features in the development of the character of this person, the Commonweath of Massachusetts.

CONSTITUTIONAL CHANGES.

Only two constitutional amendments have been adopted within the ten years. One, adopted in 1881, provides that citizens of the state, honorably discharged from the army or the navy of the United States after service in time of war, shall not be disqualified from voting if they are paupers. It marks no development of the state, but is an expression of gratitude to the defenders of the Union, a gratitude which had already been liberally shown. The other, adopted in 1885, empowers the legislature to establish voting precincts in towns. Its object was to save travel and to make voting more general. It has no significance as a constitutional development.

It remains, then, the truth that the foundations of the state were laid so broad and so deep that they have given scope for all the growth of late years without requiring a change. The constitution has been preserved, too, it should be noticed, from any other function than a general statement of the principles by which the statutes are to be enacted. The distinction between constitution and statute has not been obliterated, and the less the former is changed the sharper will be the discrimination between the two.

PUBLIC ADMINISTRATION.

VOTING—SCHOOL SUFFRAGE FOR WOMEN—POLICE—THE JUDICIARY—BUSINESS MATTERS—FORESTS AND PONDS—COMMISSIONS—THE CIVIL SERVICE—RACE DISTINCTIONS—TOWNS—DEFECTIVE CLASSES.

DURING the ten years the state has done much to secure an honest expression of the will of the voters at the polls, for no less than twenty separate statutes have been enacted for that end. By the latest, added care is to be taken in the registration of voters by recording the christian name, initial and surname, by giving full opportunity for registration, and by examination as to qualifications (1878, chapter 251), so that every one entitled to vote may be easily identified and that no one else may vote. The registrars of voters in the towns and cities (1884, c. 298) are to be the town or city clerk and "three able and discreet persons, qualified voters," who shall hold no other office or position under the local government. They "shall equally represent the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment, and not more than two of them shall be of the same

political party." Any voter may make affidavit that he believes the registration of any person to be illegal, and such step shall be sufficient to require the registrars to re-examine the case. If the registration is illegal, the name is to be stricken from the list. A false answer to the registrars is punishable by a fine of thirty dollars. No voter can be registered without the concurrence of three of the four registrars. The assessors of taxes in each city, by July 15 each year, must have street lists of the voting precincts prepared to "show the names of all persons resident in each dwelling and assessed for poll taxes."

No name can be added to the lists of voters after posting, unless the applicant proves his claim in person before the registrars.

In 1884 (c. 298) was made a full revision of the law for registration, in which detailed provision was made to prevent fraud, by publicity, by careful examination of applicants, and by giving the registrars authority to preserve order at their sessions. Care is taken to give every voter his rights, but to allow no one else to vote. On petition of at least ten qualified voters, a supervisor from each of the two leading political parties may be appointed by the governor to attend all sessions of the board of registrars, and they are given the right to take action for the purity of the voting lists. Any registrar refusing or wilfully neglecting to require an

applicant for registration to read and write before registration may be fined five hundred dollars or imprisoned in jail one year; and any registrar who wilfully prevents or seeks to prevent the registration of a legal voter, or who registers a person not a legal voter, or is guilty of any other fraud, shall be fined not over three hundred dollars. Any person falsely procuring his registration, or falsely representing himself, or assisting in such act, may be punished for each offence by three hundred dollars' fine and one year's imprisonment. In 1887 (c. 432) provision was made for removing one registrar, if necessary in order to maintain the balance between the parties.

In 1884 (c. 299) the election law was again revised, and detailed restrictions were enacted for both cities and towns, in order to secure an honest vote. A new feature of the law is that for a self-registering ballot box. The boxes register and cancel every ballot which is cast, and their use is under state supervision by a board appointed for the purpose.

In the early part of the ten years, as had been the custom previously, ballots were of any form, color and marking which pleased the political parties respectively, and some tickets with conspicuous markings were used, so that it was perfectly easy to tell what ticket a man voted. Much complaint was made of this in the years when "bulldozing" was charged upon

republican manufacturers and upon the managers of that party, which was at the time when Gen. Butler was vigorously but unsuccessfully campaigning for the governorship, and a law was enacted in 1880 (c. 92) to provide for uniform ballots. With slight changes it was re-enacted in 1884 (c. 299), and stands as follows:

"SECT. 27. No person shall print any ballot for use at any election for the choice of any national, state, district, county, or municipal officers, or shall distribute at any such election any printed ballot unless such ballots are of plain white paper, in weight not less than that of ordinary printing paper, and are not more than five nor less than four and a half inches in width, and not more than thirteen and a half nor less than twelve inches in length, and unless the same are printed with black ink on one side of the paper only, and contain no printing, engraving, device or mark of any kind upon the back thereof. The names of candidates shall be printed at right angles with the length of the ballot, in capital letters not less than one eighth nor more than one quarter of an inch in height: *provided, however*, that any ballot containing the names of less than four candidates may be not more and shall be not less than six inches in length. The name of any person appearing upon any ballot as a candidate for any office shall not be repeated thereon with respect to the same office. Nothing herein contained shall authorize the refusal to receive or count any ballot for any want of conformity with the requirements of this section."

The penalty for violating this section may be one hundred dollars' fine and a year's imprisonment. The penalty for illegal voting, by the same chapter, may be three hundred dollars' fine or a year's imprisonment, and for altering or stealing ballots after they

have been cast may be five hundred dollars' fine or three years' imprisonment.

The growing temper of the people to insist upon good order at elections is shown in the following, (1881, c. 273):

"During any town, ward, or precinct meeting, or any meeting held for the election of national, state, county, city or town officers, no person shall smoke or have in his possession any lighted pipe, cigarette or cigar in any town hall, ward room, precinct room, or other voting place where any such meeting shall be held; and no person shall carry into any of such places of meeting or keep therein any intoxicating liquor."

Violation of the law makes the offender liable to twenty dollars' fine, and to be removed by force and kept in confinement until the meeting is adjourned.

In order to prevent the counterfeiting of ballots, of which annoying instances formed the occasion of the law, it was enacted (1885, c. 248) that

"The president, secretary and treasurer, or any two of such officers, of any political committee may place or cause to be placed upon the face of any ballot prepared by them for use at any election a printed certificate signed with their names importing that such ballot is the regular and genuine ballot of the political party for the use of which it is prepared,"

and may file it for public inspection with the city or town clerk seven days before election, with notice of its intended use.

For further accuracy in the votes for state officers, congressmen, state senators and the chief county of-

ficers, a law was passed in 1882 (c. 28) authorizing the governor and council to order new copies of the records; and, for the sake of publicity, it was also enacted that the returns of the votes shall be published in every daily paper in the state and in at least one paper in every county where there is not a daily.

Chapter 74 of the same year requires the check list in cities to be kept as long as the ballots are kept, and chapter 260, 1882, forbids the counting of detached "stickers" as ballots.

Candidates liable to be affected by re-counts of votes are to be notified (1883, c. 42) of the time and place of the re-count.

In 1885 was passed a law (c. 271) to enable a closer watch to be kept over floating voters in hotels and boarding houses who might or might not be legal. Keepers of such places, as well as the masters and mistresses of dwellings, are required to give full and true information of the names of all persons residing therein liable to a poll tax, under heavy penalties.

In the same year was enacted a law (c. 345) which was stubbornly fought for by the democratic party for several years in order to make it more convenient for them to naturalize their voters. It extends the jurisdiction over naturalization cases to all courts with a seal and clerk and with common-law jurisdiction, provided that the applicants are within the jurisdiction of

the several courts, or (1886, c. 203) if not in the jurisdiction of a police, district or municipal court, the person may go to the court nearest to the town in which he resides. The law was well guarded to prevent fraud, and its leading idea was to make it easier for poor men to get their naturalization papers. A section of the law prevented naturalized persons from being registered within thirty days of naturalization, but this was declared unconstitutional by the supreme court and was repealed in 1887 (c. 329).

Primary declarations of aliens to become citizens of the United States may be filed (1886, c. 45) in the supreme judicial court and in the superior court at any time.

Re-counts of votes at elections held in towns are permitted (1886, c. 262) if statements representing error are filed with the town clerk within six days of election. The examination must be within eight days.

Defacing lists of voters is punishable (1887, c. 147) by fifty dollars' fine or six months' imprisonment.

To carry out the constitutional amendment for precinct voting in towns, a law of 1886 (c. 264) allows the selectmen to divide the town into precincts within sixty days after it has been so voted by the citizens.

Long agitation of woman suffrage in various forms, during which the proposition for general suffrage for women made no perceptible progress, resulted, in 1879,

in the passage of a law (c. 223) giving women the right to vote for school committees. Its chief section was as follows, the words in brackets having been inserted in 1881 (c. 191):

"Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards, and has the educational qualifications required by the twentieth article of the amendments to the constitution, excepting paupers and persons under guardianship, who shall have resided within this Commonwealth one year and within the city or town in which she claims the right to vote six months next preceding any meeting of citizens either in wards or in general meeting for municipal purposes, and who shall have paid by herself, or her parent, or guardian [or trustee], a state, county, [city or town] tax which within two years next preceding such meeting has been assessed upon her [or her trustees] in any city or town, shall have a right to vote, at such town or city meeting, for members of school committees."

The registration laws for men were made applicable to women, but the list of women voters is to be kept separate. Details as to registration are further prescribed by the laws of 1881 (c. 191) and of 1886 (c. 68).

These are the chief acts to reveal the development of the state as regards voting and the precautions to secure an honest vote and to check all dishonesty.

Police Laws.

In the police administration of the state changes have occurred worth noting. In 1878 (c. 242), the

"state detective" force was reorganized, to have from twenty-five to thirty members. In 1879 (c. 305) it was abolished and the "district police" established, to consist of not over two officers in each district attorney's district, or sixteen in all. Their duties were these:

> "Said district police shall have and exercise, not only within the district for which each member thereof shall be especially appointed, but also throughout the Commonwealth, all the common law and statutory powers of constables, except the service of civil process, and also all the statutory powers of police officers or watchmen, and may be transferred from one district to another; and the governor may at any time command the services of said district police in suppressing riots and in preserving the peace."

In 1885 (c. 131) the governor was authorized to appoint four additional district police officers in the districts he deemed best. In 1887 (c. 256) the force was increased to twenty-two men. These police officers have also been made inspectors of factories and public buildings, as appears in the chapter on labor, and in discharge of that function they have found their chief employment.

In mentioning the police regulations of the state, notice should be taken of the city of Boston, for a radical departure in the state's policy has been made in respect to the government of the city. In 1878 (c. 244) was passed a law to authorize the mayor of Boston to appoint, "subject to the approval of the city council,

three able and discreet persons to constitute a board of police commissioners in said city." This board was given great powers over the Boston police and was charged with the general administration of police duties. But constantly increasing dissatisfaction on the part of the people of the state with the government of Boston, especially with the manner of enforcing the liquor license law, led to a radical change in the police management. By a law of 1885 (c. 323), the famous "metropolitan police" act, it was enacted that:

"The governor of the Commonwealth with the advice and consent of the council shall appoint from the two principal political parties three citizens of Boston who shall have been residents therein two years immediately preceding the date of their appointment, who shall constitute a board of police for said city, and who shall be sworn before entering upon the duties of their office."

Full provision was made for the control of the police by the new commission. The city thus lost control of its own police, though it pays for them and also for the three commissioners. The bill was not enacted till after the most violent legislative struggle in the ten years now under review. For three days there was the most determined opposition, led by Boston democrats. Filibustering of all sorts was resorted to and everything done to gain time. The majority of the legislature, which was determined to pass the bill, gave the minority full benefit of parliamentary rules. Obstructive tactics were employed to the full amid

constant excitement. The strain on the speaker, Mr. Brackett, was severe, but he maintained remarkable courtesy and firmness. The bill was in charge of Mr. Charles Carleton Coffin of Boston. Finally, on the third day, the majority, thinking that they had rights as well as the minority, held a conference during the recess between the forenoon and afternoon sessions. A course of action was decided upon, involving the suspension of the rules under which the filibustering had occurred, and it was adhered to rigidly in open session in the afternoon. The bill was forced through the house amid the protests of its opponents that the right of local self-government was being shamefully trampled under foot by the republican majority. The excitement at the culmination of the scene was intense and it was with the utmost difficulty that order could be preserved. As soon as the minority saw that their cause was lost, they formed in procession, headed by Mr. Randall of Boston, and marched across the floor in front of the speaker's chair, out of the house. They held a meeting immediately in an adjoining committee room and passed resolutions denouncing the bill and the mode of its passage. Since then the metropolitan police commission has been in power in Boston.

To aid in enforcing order in towns, the employment of the police of cities was made possible (1880, c. 82).

For the maintenance of order on steamboats, munic-

ipal authorities may appoint (1880, c. 85) persons in the employment of steamboat companies as police officers.

The Judiciary.

Within the ten years marked changes have occurred in the judicial system of the state, to the general end of a more speedy attainment of justice. They have been such as would be natural with the growth of population and with the inadequacy of a smaller scale to a larger community. "Original and concurrent jurisdiction with the supreme judicial court in all matters in which relief or discovery in equity is sought, with all the powers and authorities incident to such jurisdiction," has been given to the superior court (1883, c. 223).

In 1885 (c. 322) the jurisdiction of district and police courts was enlarged to include "all crimes under the degree of felony, except conspiracies and libels and cases where a prosecution by indictment or information is required by law," and in 1887 (c. 293) the jurisdiction of municipal, police and district courts in certain criminal cases was further enlarged to be concurrent with that of the superior court.

For years an annual contest occurred in the legislature over the transfer of divorce cases from the supreme judicial to the superior court. Pressure of

work upon the supreme court was the reason for the change. The sanctity of the marriage relation, making every divorce case worthy the attention of the highest court, was the reason against it. But in 1887 (c. 332) it was enacted without opposition that

"The superior court shall have exclusive original jurisdiction of all causes of divorce and nullity or validity of marriage, and in such proceedings shall have all powers as to alimony, the custody of children or otherwise which the supreme judicial court has heretofore had and exercised."

The superior court was enlarged the same year (c. 31) from ten associate justices to eleven and by chapter 420, 1887, any justice of the superior court, after ten years' consecutive service, and being seventy years of age, may resign and receive half pay for the remainder of his life.

A change in court practice is to be noticed by the law of 1882 (c. 134), allowing a person arrested on criminal process to deposit money to the amount of his bail instead of furnishing sureties.

To prevent the defeat of justice through local prejudice, cases may be transferred from one county to another by the following law of 1887 (c. 347):

"In all actions and proceedings hereafter pending in the supreme judicial or superior court, whenever it shall be made to appear to the satisfaction of any justice of the court, in which such action or proceeding is pending, that by reason of local prejudice or other cause the parties to such action or proceeding, or either of them, cannot have an impartial trial in the county

where the same was commenced and is pending, the court may on application of either party thereto, order such action or proceeding to be removed for trial to such other county as shall be deemed most fair and equitable for the parties thereto."

An important departure was made in 1887 (c. 435) in the law for punishing criminals by the "habitual criminals" act:

"Whoever has been twice convicted of crime, sentenced and committed to prison, in this or any other state, or once in this and once at least in any other state, for terms of not less than three years each, shall, upon conviction of a felony committed in this state after the passage of this act, be deemed to be an habitual criminal, and shall be punished by imprisonment in the state prison for twenty-five years."

This law is clearly due to the growing feeling of the people that there is a class of criminals who are incorrigible, and that the safest policy is to confine them where they cannot commit further crime.

Financial Matters.

We come now to that feature of public administration which is of a financial nature, regarding the business of the state as that of a person, or regarding its financial policy toward its citizens. In 1879 was the period of retrenchment, when many salaries were cut down materially. The state saw that many opportunities for petty errors against it existed, and by chapter 293 of that year the accounts of county officers were

put under the supervision of the savings bank commissioners as an auditing board. The commissioners were required to compile the material parts of the annual reports of these officers and to present them to the legislature. They were also required to examine in detail the books of every county treasurer at least once a year without previous notice to him, and might order such changes of method as they saw fit. By act of 1887 (c. 438) a special "controller" was provided for, to be appointed by the governor, to audit accounts of county officers, officers of inferior courts and trial justices.

One of the most important acts of the ten years in the financial policy of the state was that of 1881 (c. 304) relieving mortgaged real estate from double taxation, once in the name of the mortgagor and once in the name of the mortgagee. This measure was stubbornly opposed for several years immediately before its final success in 1881. Immediately afterward, in 1882 and in 1883, efforts were made strenuously for its repeal, but they had small comparative support and then ceased. The member who was the most conspicuous advocate of this measure, not disheartened by defeat and sharing its success, was Mr. Hastings of Worcester. The bill was his specialty and his effort was a material factor in the result.

The course of the state in its relation to the debts of

cities is noticeable. It has seemed best to put the cities under the restriction of law, so that they may not run too much into debt. The purpose has been to prevent a reckless city government from going too far in its public expense. In 1885 (c. 178) it was enacted that the taxes in Boston, exclusive of the state tax, and of the sums required to be raised on account of the city debt, should not be in any year over nine dollars on a thousand on the average assessment for the previous five years. The debt of Boston was not to be over two and a half per cent. of the above valuation till January 1, 1887, and not over two per cent. after that. In the same year (c. 312) the taxes in other cities, exclusive of state and county tax and sums to be raised on account of the city debt (except in Worcester, Lynn, Gloucester and Brockton to January 1, 1889), were limited to twelve dollars on a thousand and the limit of debt fixed at two and a half per cent.

An enactment for the good of the farming population was the law for the establishment of the agricultural experiment station in 1883 (c. 212) to conduct experiments to learn—

"*First*, The causes, prevention and remedies of the diseases of domestic animals, plants and trees; *Second*, The history and habits of insects destructive to vegetation, and the means of abating them; *Third*, The manufacture and composition of both foreign and domestic fertilizers, their several values and their adaptability to different crops and soils; *Fourth*, The values, under

all conditions, as food for all farm animals, for various purposes, of the several forage, grain and root crops; *Fifth*, The comparative value of green and dry forage, and the cost of producing and preserving it in the best condition; *Sixth*, The adulteration of any article of food intended for the use of men or animals; and in any other subjects which may be deemed advantageous to the agriculture and horticulture of the Commonwealth."

An annual report is required (1883, c. 105) of the amount of money spent and of the results of the experiments and five thousand dollars a year in quarterly instalments, (1885, c. 327) is to be paid for the support of the station. The board of control has been incorporated (1887, c. 31) and the corporation is in charge of the property. Another financial venture of the state in agriculture was offering a bounty of one dollar a ton (1883, c. 189) for sugar beets or sorghum cane to be used in this state in the manufacture of sugar. No bounty has ever been claimed.

A development in municipal finance authorized by the legislature (1884, c. 129) is that cities, for debts already permitted by law, may issue notes, bonds or scrip and sell them publicly or privately at not less than par for the payment of their debts.

The state proposes to exercise a closer supervision than hitherto over its manufactures and by a law of 1886 (c. 174) the Bureau of Statistics of Labor must send to every manufacturing establishment a schedule of inquiries as to "(1) Name of the individual, firm or

corporation. (2) Kind of goods manufactured or business done. (3) Number of partners or stockholders. (4) Capital invested. (5) Principal stock or raw material used, and total value thereof. (6) Gross quantity and value of articles manufactured. (7) Average number of persons employed, distinguishing as to sex, and whether adults or children. (8) Smallest number of persons employed, and the month in which such number was employed. (9) Largest number of persons employed, and the month in which such number was employed. (10) Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults and children. (11) Proportion that the business of the year bore to the greatest capacity for production of the establishment. (12) Number of weeks in operation during the year, partial time being reduced to full time." These statistics are to be given under condition of privacy, and are to be tabulated and presented in an annual report to the legislature.

The state has seen fit to extend its care over the forests (1886, c. 296) more than ever before and proposes to punish by fine up to two hundred and fifty dollars any one who wilfully or without reasonable care sets fire to another's woodland. Forest firewards are to be appointed by the selectmen in all the towns of the state and they may suppress forest fires at public expense.

The state is disposed to re-assert its control over its great ponds (1886, c. 248) and is also changing its relative position regarding the use of water for domestic or for manufacturing purposes. This appeared in the famous Fall River case (1886, c. 353) where the city was granted the right, against the strenuous efforts of the manufacturers, to take water from North Watuppa pond for domestic uses without payment. The bill was passed through both branches by large majorities over the veto of Gov. Robinson, and the late Mr. Bartlett of Fairhaven made the law argument which decided the success of the bill.

The state is becoming more careful of its birds and game, and legislates more and more strictly for their protection (1886, c. 276).

Commissions.

No change has been made by the state in its policy of intrusting the enforcement of certain lines of action to boards or commissions, but the number of such bodies has markedly increased. In 1879 (c. 263) was created the board of harbor and land commissioners. In the same year was established (as a reorganization) the state board of health, lunacy and charity, which continued until 1886, when (c. 101) the health department was made a separate board. In 1879, also

(c. 294), was created the present board of prison commissioners. In 1885 (c. 313) was created the board of registration in pharmacy and (c. 314) the board of gas commissioners. In 1887 (c. 137) was created the board of registration in dentistry. Each of these last three boards reveals the state entering upon a domain where it had not exercised power before, marking a new departure in its relations to its citizens. In the case of each commission, it was held that the good of the public, its protection from incompetent pharmacists, from the expense of supporting rival gas companies, and from incompetent dentists, required the interposition of the authority of the state. In 1887 (c. 382) the gas commissioners were made a board of gas and electric light commissioners, with large powers over gas and electric light companies.

The Civil Service.

In the record relating to public administration a high place should be given to the act (1884, c. 320) to improve the civil service of the state and of the cities. Nothing like it had been enacted before, and it was the direct result of the agitation for a civil service law for the nation. Its object was twofold: to improve the civil service, as stated in its title, and also to strike at a system which was corrupting to the

politics of the state and of its cities. A joint special committee was appointed on the subject, of which Mr. Thayer of Berkshire was chairman on the part of the senate and Mr. Burdett of Hingham on the part of the house, and each of these members had a prominent share in shaping the bill and in carrying it through to enactment. The chief features of the law are these:

"SECT. 3. No person habitually using intoxicating beverages to excess, shall be appointed to, or retained in any office, appointment or employment to which the provisions of this act are applicable; nor shall any vendor of intoxicating liquor be so appointed or retained.

"SECT. 4. No person shall be appointed to or employed in any office to which the provisions of this act are applicable within one year after his conviction of any offence against the laws of this Commonwealth; and if any person holding such an appointment or in any such employment shall be convicted of the violation of any such law, he shall be immediately discharged from such appointment or employment.

"SECT. 5. No recommendation of any person who shall apply for office or place under the provisions of this act, which may be given by any senator, member of the house of representatives, alderman or councilman, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any appointment under this act.

"SECT. 6. No councillor, senator, representative, alderman or councilman, or any officer or employee of either of said bodies, and no executive or judicial officer of the state, and no clerk or employee of any department or branch of the government of the state, and no executive officer, clerk or employee of any department of any city government shall personally, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political purpose whatever; but this shall not be construed to

forbid such persons to be members of political organizations or committees.

"SECT. 7. No person shall, in any room or building occupied for the discharge of official duties by any officer or employee of the state or any city thereof, solicit in any manner whatever, or receive any contribution of money or any other thing of value for any political purpose whatever.

"SECT. 8. No officer or employee of the state, or any city thereof, shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

"SECT. 9. No officer, clerk or other person in the service of the state or any city thereof shall, directly or indirectly, give or hand over to any other officer, clerk or person in said service, or to any councillor, senator, member of the house of representatives, alderman, councilman, or commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

"SECT. 10. No person in the service of the state or any city thereof, shall use his official authority or influence either to coerce the political action of any person or body or to interfere with any election.

"SECT. 11. No person in the public service shall for that reason be under any obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

"SECT. 12. No person while holding any public office or in nomination for, or while seeking a nomination or appointment for any office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated), in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named

person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

"SECT. 13. No city in the Commonwealth shall pay any bill incurred by any official or officials thereof for wines, liquors or cigars; nor shall any city pay any bill for refreshments furnished to any official of said city where the amount for any one day shall exceed one dollar for each member of the government of said city who certifies over his own signature to the correctness of the bill."

Other regulations were made in much detail for carrying out the spirit of the law, and the commissioners appointed under it report that it is in successful operation. Honorably discharged soldiers and sailors of the United States service in the war of the Rebellion are exempt (1887, c. 437) from passing the civil service examinations.

THE MILITARY, CLAIMS, RACE DISTINCTIONS, TOWNS, MEMORIAL DAY, PARKS.

Regarding the military arm of the government, almost no advance has been made in the public administration. The militia law has been codified and improved (1887, c. 411); the efficiency of the militia under it has increased, but there has been nothing to be called a new development.

The state has recognized its obligation as a person to provide a method of passing upon claims against it, and the superior court has been given jurisdiction of

them (1879, c. 255, and 1887, c. 246) whether at law or in equity.

The state is not only just to its citizens, regardless of color and race, but it is determined that distinctions on such grounds shall not be made by its citizens toward each other (1885, c. 316):

"Whoever makes any distinction, discrimination or restriction on account of color or race, or except for good cause in respect to the admission of any person to, or his treatment in, any theatre, skating rink or other public place of amusement, whether such theatre, skating rink or place be licensed or not, and whether it be required to be licensed or not, or public conveyance, public meeting or inn, whether licensed or not licensed, shall be punished by fine not exceeding one hundred dollars."

This law grew out of discrimination against a person of color at a skating rink in Boston by the proprietor of the place.

It continues to be the policy of the state to promote the incorporation of towns, as best adapted to advance its own strength and to increase the prosperity of its citizens. Within the ten years it has incorporated the towns of North Adams (1878), Cottage City (1880), Wellesley (1881), Millis (1885), Hopedale (1886), and North Attleboro' (1887). It has also made cities of the towns of Brockton (1881), Malden (1881), Northampton (1883) and Waltham (1884).

As a token of honor to its sons in the Union army and navy, the state has made May 30 a legal holiday (1881, c. 71), to be known as Memorial Day.

The fostering care of the state for what makes for health and comfort and beauty is seen in its authorizing the establishment of corporations to have charge of public improvements of streets and parks, with power to beautify and to protect them from injury (1885, c. 157), such corporations to be the trustees of the towns which vote to give their streets and parks into their charge.

The Insane.

In that department of public administration which relates to its insane citizens, the state has made great changes, within the ten years, to prevent the commitment of sane persons by persons who may desire to be rid of them (1879, c. 195), to exercise great caution in the commitment of the insane (1880, c. 250, and 1886, c. 319), to provide for the care of the insane (1886, c. 319), to place them in private families (1885, c. 385), to allow cities with over fifty thousand people to erect asylums for the care of the chronic insane (1884, c. 234), and to establish places of committal (1887, c. 346). In 1884 (c. 322) a homœopathic hospital for the insane was established at Westboro.

Juvenile Offenders and Neglected Children.

The state has shown added care for its juvenile offenders and for its indigent and neglected children. By act of 1879 (c. 64) juvenile offenders in Boston may have their punishment remitted and be placed on probation. Pauper children over four years of age must not be kept in almshouses (1879, c. 103), but must be put in some respectable family or in some asylum, unless idiotic or otherwise defective, until they can be cared for in some other way. They must be visited at least once in three months, and must be carefully treated. Foundlings and deserted children under three years (1882, c. 181), who are state paupers, are to be put in a proper family or other suitable place, under the constant supervision of state medical officers.

No child under twelve years (1882, c. 127) can be committed to a jail or house of correction, house of industry, or the state workhouse, in default of bail for non-payment of fine or costs, or for punishment of any offence not punishable by imprisonment for life. The state board of lunacy and charity is to have the care of such children, awaiting examination or trial, unable to furnish bail.

State paupers, between three and sixteen years, may be committed by the state board to the state primary

school (1882, c. 181), and orphans or children of drunken or vicious parents, under fourteen years, growing up in vice, may be put under charge of the state board until they are twenty-one, or for a less time.

Every city and every town with over five thousand people shall (1878, c. 217) make provision for the care and education of its neglected children who may otherwise grow up "without salutary parental control or education, or in circumstances exposing them to lead idle and dissolute lives."

Abandonment by a parent of a child less than two years of age is punishable (1882, c. 270) by two years' imprisonment, or, if death is the result of the abandonment, by five years'. Persons who receive for board a child under one year of age which they have reason to believe to be illegitimate, are required to notify the overseers of the poor, and the parents of the child are required to give true statements concerning it to the authorities. Imprisonment for a year, or one hundred dollars' fine, is the penalty for violating the law. Whoever unreasonably neglects to support his minor child may be punished by twenty dollars' fine or six months' imprisonment.

Reformatory Policy.

In dealing with the criminal classes the state has

made a new departure in several respects. In 1878 (c. 198) provision was made for an official to attend the Suffolk criminal courts "to investigate the cases of persons charged with or convicted of crimes and misdemeanors, and to recommend to such courts the placing on probation of such persons as may reasonably be expected to be reformed without punishment." Means were provided for placing such persons on probation. In 1880 (c. 129) the law was extended to the whole state, with ample safeguards for the system, so that justice might be done and the person be returned if the conditions of his release were broken. The same year (c. 151) provision was made for releasing women from county prisons to be employed in domestic service, under contract by the prison commissioners, for the term of their imprisonment, any woman leaving such service to be returned and punished by added imprisonment. Violation of a permit to be at liberty voids the permit (1884, c. 152).

To encourage good conduct, in 1880 (c. 218) a revised schedule was adopted for the reduction of terms of imprisonment, if the conduct was exemplary, in which the reduction promised was most liberal. This was somewhat modified in 1881 (c. 141). By act of 1881 (c. 90) women may be liberated from the woman's reformatory prison when it appears to the prison commissioners that they have reformed; but

consent of the court, in case of serious crimes, must first be obtained, and if the conditions of release are violated, the woman must serve her original term. To insure a sufficient term for the exercise of reformatory effort, no convict shall be sentenced (1880, c. 114) to the Sherborn woman's prison for less than one year.

The reformatory policy in regard to men, either young or not hardened offenders, was put in force by the state in 1884 (c. 255). The Concord state prison was taken for a reformatory, and the older and more hardened criminals were sent back to the old state prison at Charlestown. A new system was adopted in regard to the treatment and imprisonment of those who were deemed subjects for reform, and the system of sentences arranged with much detail. One of the officers is an instructor, who "shall devote his whole time to the instruction of the prisoners and the promotion of their moral and religious well-being." The system of conditional release is employed, and the prisoners are carefully classified for purposes of reform. The sentence of imprisonment is based on the following (1886, c. 323):

"When a convict is sentenced to the Massachusetts reformatory, the court or trial justice imposing the sentence shall not fix or limit the duration thereof, unless the term of said sentence shall be more than five years, but said convict shall merely be sentenced to the Massachusetts reformatory."

The state, in these ten years, has tended to become more humane toward its prisoners. A lock letter-box for communication by the prisoners with the principal officer, or any director or trustee, is to be provided in each penal or reformatory institution (1878, c. 276). Punishment by the gag in any penal or charitable institution is forbidden (1879, c. 181), under fifty dollars' penalty. This grew out of a sensational case of the use of the gag, and made much stir at the time. Keepers of jails and houses of correction may spend annually (1881, c. 125) one hundred dollars for books and papers for their prisoners. They may also spend (1881, c. 126) as much as ten dollars to help any one prisoner when he is discharged from their custody, either giving him the cash outright or its equivalent in board, clothing, transportation or tools. A woman agent may be employed (1881, c. 179) to help discharged women convicts to obtain employment and to give them such pecuniary aid as is deemed advisable. Women charged with crime, whose cases are disposed of without sentence (1886, c. 177), may have a payment for their benefit made to the Temporary Asylum for Discharged Female Prisoners. The law for one hour each evening for instruction in reading and writing, for inmates of the state prison, has been enlarged (1886, c. 197) so that "certain schools for instruction of the prisoners" may be maintained.

The law in regard to serving cumulative sentences has been made clearer (1884, c. 265):

"A person upon whom two or more sentences to imprisonment have been imposed may be fully committed upon all such sentences at one and the same time, and such sentences shall be served in the order named in the mittimuses upon which such person is committed."

For the protection of women under arrest, and that they may have the care of one of their own sex, a law has been enacted (1887, c. 234) for the appointment of police matrons in cities with over thirty thousand people, and for a house of detention for women in Boston. Says the law: "A police matron shall have the entire care and charge of all women held under arrest in the station to which she is attached."

RELIGIOUS ADVANCE.

CONGREGATIONAL CHURCHES—ROMAN CATHOLIC CHURCHES—INSTRUCTION IN JAILS—SUNDAY LAW.

ALMOST no development in religious matters, as related to the laws, is found in the ten years from 1878 to 1887. So large has been the opportunity already granted that the pressure of religious wants against legal religious possibilities has scarcely been felt. The most notable change is that which concerns the growth of the Orthodox Congregational churches. The historic organization has been twofold—the church and the parish. But latterly has been developed the policy of abolishing the parish entirely and of making the church the sole organization. At first this policy was introduced by the incorporation of churches separately by special enactment. Thus there were incorporated the Broadway Congregational Church in Somerville (1883, c. 269), the Highland Congregational in Lowell (1884, c. 202), the Orthodox Congregational in Ashby (1885, c. 177), the Union Congregational in Wrentham (1886, c. 56), the Central Congregational in Chelmsford (1886, c. 249), and the First Congrega-

tional in Ayer (1887, c. 359). Near the end of the session, in 1887 (c. 404), came the general law, whose first sentence is: "Any church now existing or that may be hereafter organized in this Commonwealth, may be incorporated according to the provisions of this act." This provides a uniform method for the incorporation of churches, and marks a radical departure in church history. Church members only can be members of the corporation, and the historic parish is wiped out in every church so incorporated.

A general law for the formation of religious societies (1880, c. 21) provides the method by which ten or more persons, male or female, in the state, may become a corporation, with the powers and duties of religious societies previously recognized. A method for the incorporation of Roman Catholic churches has also been provided (1879, c. 108), by which any such church may be incorporated. The archbishop or bishop of the diocese, the vicar general of the diocese and the pastor of the church, respectively, or a majority of them, and two laymen, members of the church, may be incorporated as members of the church, with the powers usual in such cases.

The law giving religious freedom to prisoners in jails and houses of correction has been extended to inmates of public charitable and reformatory institutions (1879, c. 158), but the inmates of all public

institutions may be required to assemble in the chapel for such "general religious instruction, including the reading of the Bible, as the board having charge of the institution may deem wise and expedient."

"All religious societies shall be exempt from obtaining a license required by the laws of this Commonwealth for public entertainments, provided said entertainments are for a religious or charitable purpose" (1880, c. 188).

The law for an annual election sermon before each new state government has been repealed (1884, c. 60).

Churches and religious societies may appoint not over five trustees, who may be incorporated and hold funds in trust (1884, c. 60).

In 1887 was made a thorough revision of the Sunday law, showing how far the sentiment of the state had changed as regards Sunday observance. The whole affair grew out of the labor agitation of the times. Certain barbers objected to shaving on Sunday, and had recourse to the old Sunday law, which had fallen into gradual disuse, to enforce their position. The law was clear, and there was no course for the courts but to convict upon the evidence presented. Upon the announcement of the decision of the supreme court, to which the test case had been appealed, the police commissioners of Boston ordered the old law to be enforced in regard to barber shops, sales of Sunday newspapers by news-dealers, and other similar matters.

Thus the matter at once became of vital interest to the whole community, and the revision of the Sunday code by the legislature was made the subject of much agitation. Finally an agreement was reached, and the things formerly prohibited, but now permitted, appear chiefly in this list (1887, c. 391):

—"but nothing in this section shall be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescription of a physician, nor mechanical appliances used by physicians or surgeons, nor the letting of horses and carriages, nor the letting of yachts and boats, nor the running of steam ferryboats on established routes, of street railway cars, nor the preparation, printing and publishing of newspapers, nor the sale and delivery of newspapers, nor the retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath houses, nor the making or selling by bakers or their employees of bread or other food usually dealt in by them before ten of the clock in the morning and between the hours of four of the clock and half-past six of the clock in the evening."

The prohibition of unlicensed games, sports, plays or public diversions upon Saturday evenings is also removed, as is the prohibition of Sunday travel. The railroad commissioners are authorized to allow the running of such steamboat lines and of such railroad trains on Sunday as, "in the opinion of the board, the public necessity and convenience may require, having regard to the due observance of the day."

PUBLIC MORALS.

Betting and Gaming—Lotteries—Illustrations of Crime—Opium—Children at Public Shows—Gambling Dens—Divorces.

In no degree have the laws for the punishment of offences against good morals been relaxed, but the record of the ten years shows that the state is ever vigilant to suppress what it believes tends to the injury of its citizens. In 1878 (c. 165) the registering of bets and wagers and the buying and selling of pools "upon the result of any trial or contest of skill, speed or endurance of man, beast, bird or machine; or upon the result of any game or competition; or upon the result of any political nomination, appointment or election," or being in any way concerned with such practices, even as owner or lessee of the property where they occurred, were made punishable by a fine up to two thousand dollars, or by a year's imprisonment, or both fine and imprisonment.

Pigeon shooting for amusement or as a test of skill in marksmanship, not including wild game, is punishable (1879, c. 187) by fifty dollars' fine and thirty days'

imprisonment, one or both. Each of these two laws was the result of occurrences which aroused public indignation at the time, in consequence of their moral corruption or their brutality.

In the interest of public morals any court of record may exclude minors from the court room (1881, c. 274) when the court thinks that the testimony may injure the morals of the young, when the young persons are not needed as witnesses or as parties.

The state says that her travellers shall not be annoyed by indecent language or behavior and makes any offender in that respect punishable by thirty days' imprisonment or fifty dollars' fine (1883, c. 102).

Persons present at games or sports in common gaming houses, whether or not they were playing, may be punished by fifty dollars' fine (1883, c. 120). The mere fact of presence making them liable to punishment is the restriction added last by the state. The fixtures, furniture and personal property used in gaming are all to be forfeited (1885, c. 66) upon conviction of the persons using them.

The state, believing that any form of lottery, even gift enterprises, is bad for the morals of the people, has decreed (1884, c. 277) that—

"No person shall sell, exchange or dispose of any property, or offer or attempt to do so upon any representation, advertisement, notice or inducement that anything other than what is

specifically stated to be the subject of the sale or exchange, is, or is to be delivered or received, or in any way connected with, or a part of the transaction."

The multiplication of cheap papers with illustrations of violence and crime, and the profuse display of such papers in shop windows, led the state, in 1885 (c. 305), by a stringent enactment, to prohibit the circulation of such papers among minors, saying:

"Whoever sells, lends, gives away, or has in his possession with intent to sell or distribute, or otherwise offers for loan, gift, sale or distribution to any minor child any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of lust or crime,"

or otherwise puts such publications in the sight or possession of a minor child, shall be punished by fine of from one hundred to one thousand dollars, or imprisonment not over two years.

"No deformed person who is a minor or insane, and no person who has an appearance of deformity produced by artificial means, shall be exhibited for hire" (1884, c. 99).

Certain highly colored reports in the winter of 1885, regarding the frequenting of Chinese "opium joints" by white people, and stories of excessive debauchery by means of opium led to the enactment of the following (c. 73):

"Any person who opens or maintains, to be resorted to by other persons, any place where opium or any of its preparations is sold or given away to be smoked at such place, and any person

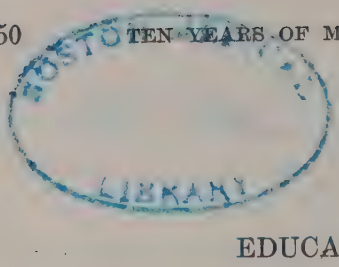
who at such place sells or gives away any opium or any of its preparations to be there smoked or otherwise used, and any person who visits or resorts to any such place for the purpose of smoking opium or any of its preparations, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the house of correction not exceeding six months, or by both such fine and imprisonment."

In the legislature of 1887, after representations by some of the Boston members of the house of the low character of some places of public amusement in the city and of the immoral purposes to which they were made accessory, even by very young persons, it was forbidden (c. 446) to take any child under thirteen years to any licensed public show or place of amusement, unless accompanied by some one over twenty-one, under one hundred dollars' penalty. But the law does not apply to shows or amusements occurring before sunset.

In the same year, a particularly horrible murder in a gambling den on Avery street, Boston, where the house was barred against the police, led to the law (c. 448) that when any officer, empowered to serve criminal process, finds that access to any place, which he has reasonable cause to believe is resorted to for unlawful gaming, is barred by any obstruction other than what is usual in ordinary places of business, he shall notify the building inspector, or other proper officer, and the obstruction must be removed at the expense of the person in control of the building.

One law has been passed (1880, c. 38), which some people will doubtless regard as a step backward. It repeals so much of an old law (1818, c. 171) as forbade smoking in the streets of Boston.

The state defends marriage by punishing those who would make divorce easy. In 1882 (c. 194) a law was passed for complete statistics of divorces to be returned to the secretary of state by clerks of courts annually. In 1886 (c. 342), knowingly procuring or assisting to procure any fraudulent divorce was made punishable by two hundred dollars' fine, or six months' imprisonment, and in 1887 (c. 320) the same penalties were enacted for any one who "writes, prints or publishes, or solicits another to write, print or publish, any notice, circular or advertisement soliciting employment in the business of procuring divorces, or offering inducements for the purpose of procuring such employment."



EDUCATION.

THE POOR TOWNS—PRIVATE SCHOOLS—SCHOOL DISTRICTS—EVENING SCHOOLS—PHYSICAL EXERCISES—FREE TEXT BOOKS—INDUSTRIAL TRAINING—TEACHERS' TENURE—TRUANCY—CLARK UNIVERSITY—ILLITERATE MINORS—LIBRARIES AND READING ROOMS.

DURING the ten years ended with the legislature of 1887, Massachusetts has made but little change in her educational system. Previous laws have been carried out and new legislation has been unsuccessfully attempted for the better education of the children of the sparsely inhabited country districts. A readjustment of the distribution of the school fund has been the means proposed for such aid, and an elaborate plan has been presented by the secretary of the state board of education, Mr. John W. Dickinson, who has given much study to the problem, but it has not yet been adopted. Partial relief is afforded to the poorer towns by the latest law (1884, c. 22) for distributing one half of the annual income of the school fund, as follows:

"Every town complying with all laws in force relating to the distribution of said income, and whose valuation of real and personal estate, as shown by the last returns thereof, does not exceed

one half million dollars, shall annually receive three hundred dollars; every such town whose valuation is more than one half million dollars, and does not exceed one million dollars, shall receive two hundred dollars; every such town whose valuation is more than one million and does not exceed three million dollars, shall receive one hundred and fifty dollars. The remainder of said half shall be distributed to all the cities and towns whose valuation does not exceed ten million dollars, in proportion to the number of persons between five and fifteen years of age belonging to each."

Of late there has been popular interest over the growth of Roman Catholic parochial schools, which, as such, are not recognized by law, but are included in the general class of "private schools." In 1878 (c. 171) it was enacted that—

"School committees shall approve private schools in their respective localities only when satisfactory evidence is afforded them that the teaching in such schools corresponds in thoroughness and efficiency to the teaching in the public schools, and that the progress made by the pupils in studies required by law is equal to the progress made during the same time in the public schools; and such teaching shall be in the English language."

The old school district system, with its sentimental but unfortunate association with the historic "little red school-house," was the subject of this enactment in 1882 (c. 219): "The school district system in this Commonwealth is hereby abolished," the act to take effect January 1, 1883. Towns had previously (1873) been empowered to abolish school districts and many had done so, for it was the experience of many educa-

tors that the district system caused evils which were lightened or removed by town management.

For the better efficiency of the school system, the state enacted (1879, c. 21) that any one in control of a child between eight and fourteen years of age who withheld information sought by a school committee or its agents should be punishable by a fine of twenty dollars or thirty days' imprisonment.

For the benefit of those anxious for an education who cannot attend day schools, the state enacted (1883, c. 174) that—

"Every town and city having ten thousand or more inhabitants shall establish and maintain, in addition to the schools required by law to be maintained therein, evening schools for the instruction of persons over twelve years of age in orthography, reading, writing, geography, arithmetic, drawing, the history of the United States, and good behavior. Such other branches of learning may be taught in such schools as the school committee of the town shall deem expedient."

The school committee has supervision of such schools. In 1886 (c. 236) the system was extended so that every city of fifty thousand people and over must, upon petition of at least fifty residents over fourteen years of age, desiring and competent to pursue high school studies, and so certifying, maintain an evening high school.

For the better physical development of the pupils, exercises are permitted (1881, c. 193) which may—

"—at the discretion of the committee, include calisthenic, gymnastic and military drill, provided that no special instructors shall be employed to teach gymnastics, calisthenics, or military drill, except by a two thirds vote of the committee present and voting thereon."

After long agitation and excited debate in the legislature, and without success at first, the law for free text-books (1884, c. 103) was enacted. Its purpose was that poor children might be on an equality with the well-to-do and that instruction might not be hindered for lack of books. Its essential words are these:

"The school committee of every city and town shall purchase, at the expense of such city or town, text-books and other school supplies used in the public schools; and said text-books and supplies shall be loaned to the pupils of said public schools free of charge, subject to such rules and regulations as to care and custody as the school committee may prescribe."

The next year a law was passed (c. 161) by which school committees are allowed to provide, at the public expense, such apparatus, books of reference and other means of illustration for the schools as they may deem necessary.

The tendency of the times toward industrial training in the public schools appears in the law of 1884 (c. 69) for instruction in the elementary use of hand tools. This instruction shall be given "in all the public schools in which the school committee may deem it expedient," the tools to be free of cost, the same as the text-books.

The agitation for a more secure tenure of office for

public school teachers resulted in the permissive law of 1886 (c. 313):

"The school committee of any city or town may elect any duly qualified person to serve as a teacher in the public schools of such city or town during the pleasure of such committee: *provided*, such person has served as a teacher in the public schools of such city or town for a period of not less than one year."

The laws against truancy have been strengthened by one (1885, c. 71) to punish, by fine of from twenty to fifty dollars, any one who, after notice from a truant officer to refrain, entices in any manner any child to truancy.

A notable educational event of the decade has been the incorporation of Clark University in Worcester (1887, c. 133), upon a plan equal in scope to Harvard University. Its incorporators and purposes are thus stated in the act, the first corporator mentioned being the one who gives the university its name and a liberal endowment of over a million dollars:

"Jonas G. Clark, Stephen Salisbury, Charles Devens, George F. Hoar, William W. Rice, Joseph Sargent, John D. Washburn, Frank P. Goulding and George Swan, all of the city of Worcester in the Commonwealth of Massachusetts, and their successors, are hereby made a corporation by the name of the Trustees of Clark University; to be located in said Worcester, for the purposes of establishing and maintaining in said city of Worcester an institution for the promotion of education, and investigation in science, literature and art, to be called Clark University."

Under the head of education, too, would come the

law of 1880 (c. 111), authorizing towns to establish and maintain public reading rooms, and that of 1885 (c. 225), to protect persons using public libraries and reading rooms from wilful disturbance, under penalty of thirty days' imprisonment or fifty dollars' fine upon the offender.

To prevent the working of children to the neglect of their education, it was enacted (1878, c. 257) that in every manufacturing, mechanical or mercantile establishment in the state, a certificate shall be kept of the age and place of birth of every minor child there employed under sixteen years, which certificate, if the minor is under fourteen years, shall state the amount of his school attendance in the year next preceding such employment. The same act provided that, after May 1, 1880,

> "—no child under fourteen years of age shall be employed in any manufacturing, mechanical or mercantile establishment, while the public schools in the city or town where such child lives are in session, unless such child can read and write."

Violation of the law is punishable by fine of from twenty to fifty dollars, for the use of the public schools. In 1883 (c. 224) the prohibition of the employment of children received this addition: "and no child under twelve years of age shall be so employed during the hours in which the public schools are in session in the city or town in which he resides;" and in 1885

(c. 222) it was made to read: "at any time during the days," instead of "during the hours."

In order to check the spread of illiteracy, especially among the French Canadians who come to the state and desire to put their children at work in the factories or elsewhere while yet of school age, a law has been enacted (1887, c. 433) to punish by fine of from twenty to fifty dollars,

> "Every owner, superintendent or overseer of any manufacturing, mechanical or mercantile establishment who employs, or permits to be employed therein, a minor under fourteen years of age who cannot read and write in the English language, except during the vacation of the public schools in the city or town where such minor lives, and every parent or guardian who permits such employment."

The employment of a minor of fourteen or over, who cannot read or write English, and who has been for one year a continuous resident of a place with public evening schools, and is not a regular attendant on such schools, is punishable by a fine of from fifty to one hundred dollars. Suspension of the law, when necessary to prevent hardship, is permitted to the school committee.

SOCIETY.

GIFTS TO WIVES — DIVORCE — ABANDONED CHILDREN — TRAMPS.

BUT few laws have been enacted by the state to affect the relations of her citizens to each other as members of society. Some changes relating to women are to be noted. They may practice as attorneys at law (1882, c. 139). As such they may be appointed (1883, c. 252) to administer oaths, to take depositions, and to take acknowledgments of deeds. They may also serve as overseers of the poor (1886, c. 150). Gifts to them from their husbands are to be their separate property, by the following law of 1879 (c. 133):

"The wearing apparel and articles of personal ornament of a married woman and articles necessary for her personal use, acquired by gift from her husband, not exceeding two thousand dollars in value, shall be and remain her sole and separate property: *provided, however*, that nothing herein contained shall be construed to authorize suits between husband and wife or to make valid any gift or transfer by a husband in fraud of his creditors."

Divorced persons have been the subject of the following (1881, c. 234):

"The party against whom a divorce has been or may hereafter be granted shall not marry within two years from the time of the entry of the final decree of divorce; at the expiration of said two years said party may marry without petition to the court."

Abandoned or abused children, under fourteen years, without a legally appointed guardian, "entirely abandoned, or treated with gross and habitual cruelty, by the parent or other person having the care or custody of such minor," or illegally deprived of liberty, may be put, by the probate court of the county (1879, c. 179), under the care of the Massachusetts Society for the Prevention of Cruelty to Children as guardian. Parents or guardians of a child under fourteen years, unable to support it, may give the custody of the child to the same society. Any child under five years, found abandoned, may be put in the custody of the society for thirty days.

It was not until 1880, after the turn in the tide of destitution and suffering following the paper money era and the collapse of 1873, that the state passed a law (c. 257) to protect the people from tramps. Tramps were to be put into a house of correction, or the Bridgewater workhouse, for from six months to two years.

"All persons who rove about from place to place, begging, or living without labor or visible means of support, shall be held to be tramps within the meaning of this act. Any act of begging or

vagrancy by any person having no known residence within this Commonwealth, shall be *prima facie* evidence that the person committing the same is a tramp within the meaning of this act."

The act did not apply to any woman or minor under seventeen years, nor to any blind person, nor to any one asking charity in his own city or town. Tramps could be arrested without warrant, and copies of the act were to be posted in at least six conspicuous places in each city and town. Tramps who committed other offences, such as were common at the time (entry of premises, injury of property, threats of violence and carrying of dangerous weapons), were punishable by imprisonment for from one to two years.

Charitable and like associations were given more power by act of 1882 (c. 195), by which regular payments to members, or to persons dependent upon them, might be made for not over six months at one time.

LIFE AND HEALTH.

Food Adulteration—Water—Vinegar—Travellers—Fires — Contagious Diseases — Self-Injury — Children in Shows—Cremation.

We come now to the field in which the state exercises care over the lives and health of its citizens, and we find a large body of legislation in the last ten years. The state undertakes to see that the people shall not use adulterated food or drugs, that they shall be safe while travelling, that they shall not live in unhealthy houses, nor be exposed to contagious diseases, nor be burned in fires, nor blown up by explosives, nor have a fairly preventable opportunity to injure themselves. Laws for all these purposes are found in this department, and, in one view, the pharmacy and dentistry laws above mentioned belong here also.

We notice first the precautions against adulterated food and drugs. Such laws are not new, and the new of the last ten years are additions, showing the progress which has been made in protecting the public health. By act of 1878 (c. 76) the penalty for adulteration (a

year's imprisonment or three hundred dollars' fine) was extended to the person furnishing the adulterating article, in addition to the person actually making the adulteration. The chief recent enactment to prevent the adulteration of food and drugs was in 1882 (c. 263) and it was thorough-going. All drugs must be up to the standard of the United States Pharmacopœia; food must not suffer from the presence of inferior material, nor from the absence of valuable portions, nor be an imitation of another article, nor have any diseased or rotten vegetable matter, nor be coated to appear of more than its real value, nor contain any poisonous ingredient. The enforcement of the law was put into the hands of the state board of health, lunacy and charity, and it was given three thousand dollars a year for analyzing samples of food and drugs. The bill was bitterly and persistently opposed before enactment, and strenuous attempts were made to minimize the supposed injury from adulterations. The next year (1883, c. 263) the appropriation was raised to five thousand dollars and two thousand of it was required to be spent to enforce the laws against the adulteration of milk. In 1884 (c. 289) the sum was raised to ten thousand dollars and six thousand of it required to be spent to prevent the adulteration of milk and milk products. These last two laws indicate the sharp struggle there has been in Massachusetts to preserve

the purity of milk. By act of 1886 (c. 171) "drug" in the law of 1882 includes all medicines, antiseptics, disinfectants and cosmetics, and "food" includes "confectionery, condiments and all articles used for food or drink by man."

The competition of western lard, alleged to be inferior, and less nutritious and healthful, led to the enactment (1887, c. 449) of the law that any lard with any ingredient but the pure fat of swine must be plainly labelled "compound lard."

The sharpest contest over any food adulteration has been made over adulterated milk and into that contest have entered both commercial and sanitary forces. The milk adulterators have exerted themselves in every possible way to break down the standard of thirteen per cent. of solids. The milk producers and wholesalers have generally insisted upon the high standard. The opposition has for the most part come from retailers of Boston and vicinity. A strong incentive to enforce the law for pure milk has been the large number of infant lives which have been sacrificed in Boston alone to adulterated milk. Then, again, the "oleo" men have protested against any law which shall enable the consumer to distinguish readily between genuine butter and "oleo" at the table. These two matters are still subjects of keen controversy.

In 1878 (c. 106) was enacted a strict law against

butter not the product of milk exclusively, and the sale or preparation of a manufactured compound product, unless plainly marked "oleomargarine," was made punishable by one hundred dollars' fine. A long bill to regulate the inspection and sale of milk was enacted in 1880 (c. 209), giving officers powers of inspection and seizure and imposing heavy fines. In 1881 (c. 292) was enacted a stringent law to prevent deception in sales of butter and cheese, requiring the words "oleomargarine" or "imitation cheese" to be plainly put on each package. This law also provided heavy penalties. In 1884 (c. 310) the previous laws were made more stringent, as experience had shown to be necessary to checkmate the adulterators. Again in 1885 (c. 352) the law for the protection of good milk and butter was revised and strengthened, still in the interest of the public health and honest products. But this was not enough and in 1886 (c. 317) was enacted a further law to regulate the sale of imitation butter and another (c. 318) to increase the powers of milk inspectors and to make the punishment of adulteration more certain and severe. During these latter years the state board of health had been most active and efficient in prosecuting dealers in adulterated milk. The butter law is so enforced that customers of retailers may know when they buy "oleo," but at the session of 1887, a bill to color the article so that such

persons as the patrons of boarding-houses would know when they were eating it was successfully resisted.

The state also has care for the purity of its water supplies. In 1878 (c. 183) an elaborate bill was passed to prevent the discharge of any sewage or drainage where it could run into any stream or pond used as a source of water supply. General supervision of all streams and ponds of the state used as sources of water supply, except the Merrimack, Connecticut and Concord rivers, was given to the state board of health. By a law of 1879 (c. 270) water boards, commissioners and companies are required to make full triennial returns to the state board of health of the character, extent and amount of their water supply, its use (by how many families and their average consumption), sewage, method of distribution, and many other details to the end that the state may have full information concerning its water supply. These facts are to be reported to the legislature. Bathing in a pond used for water supply is forbidden (1884, c. 172) under ten dollars' fine. By act of 1886 (c. 274) the state board of health is given "the general oversight and care of all inland waters" and it must recommend legislation for the preservation of the public health and for the purity of all the inland waters of the state. The board is also empowered (1886, c. 287) to prevent the sale of impure ice.

Vinegar has also been the subject of legislation for purity (1880, c. 113), and selling as cider vinegar that which is not so is punishable by fine of from fifty to one hundred dollars, and the use of lead, copper, sulphuric acid or other injurious ingredient is punishable by not less than one hundred dollars' fine. By the laws of 1884 and of 1885 (cs. 307 and 150) the proportions of acetic acid and vinegar solids are regulated and other stringent restrictions are added.

Massachusetts is as careful of her people when travelling as when at their homes, and has legislated lately for their protection on the rail. In 1881 (c. 194) was passed a law, after several years of agitation, especially by Dr. B. Joy Jeffries of Boston, forbidding railroad companies to employ any person in a position requiring him to distinguish form and color signals, unless he has been examined within two years and has a certificate that he has not color-blindness or other defective sight. By act of 1883 (c. 125) the two years' provision was removed. In 1882, after one of the terrible warnings which are so familiar from the wreck of passenger trains and the great loss of human life by crushing and burning, the legislature required every railroad corporation to

"—equip each car of every passenger train, owned or regularly used by it, including mail and baggage cars, with two sets of tools, consisting of an axe, a sledge-hammer, a crowbar, handsaw and pail. All such tools and appliances shall be maintained

in good condition for use in case of accident, and shall be kept one set upon the inside and one upon the outside of each such car."

Tampering with these tools is punishable by one hundred dollars' fine or three months' imprisonment, or both. But the frightful wreck at Bussey bridge, within the limits of Boston, in March, 1887, produced more radical legislation. One law (c. 334) compels every railroad corporation to have its bridges examined once in two years by a competent engineer, whose reports must be sent to the railroad commissioners. Another (c. 362) abolishes the "deadly car stove."

"No passenger, mail or baggage car on any railroad in this Commonwealth shall be heated by any method of heating or by any furnace or heater unless such method or the use of such furnace or heater shall first have been approved in writing by the board of railroad commissioners: *provided, however*, that in no event shall a common stove be allowed in any such car; and *provided, also*, that any railroad corporation may with the permission of said board make such experiments in heating their passenger cars as said board may deem proper."

The testing of locomotive boilers is under the charge of the railroad commissioners (1882, c. 73) and the use of an untested boiler is punishable by a fine of twenty dollars per day.

The railroad commissioners may order a railroad corporation to establish gates and a flagman at any grade crossing they see fit (1883, c. 117). Blockades of grade crossings by railroad cars, to the incon-

venience and danger of the public, are put under the jurisdiction of the railroad commissioners (1885, c. 110).

By law of 1881 (c. 199) the penalty upon a railroad corporation for negligence by which the life of a passenger, or other person not an employee, is lost, is from five hundred to five thousand dollars; but the law does not apply to persons walking upon the track contrary to the rules of the corporation. The same law applies to steamboat and stage-coach companies, but the loss of life from defective highways or bridges of a county or town does not carry but one thousand dollars' penalty. The above chapter provides the means of recovering damages for loss of life or for injury. A law of 1880 (c. 110) makes a special crime of throwing missiles at cars and at passengers in steam or horse cars, or interfering with persons in charge of such cars.

Street railway corporations are made liable (1886, c. 140) for the death of a passenger, or any person not an employee, to the extent of not less than five hundred nor more than five thousand dollars.

The state also protects its people against explosives and combustibles. A law of 1881 (c. 137) forbids explosive or inflammable compounds to be so placed in manufactories as to obstruct or render hazardous egress from them. No petroleum or its product can

be kept for retail (1885, c. 122) unless approved by an official inspector. The mixing and sale of naphtha and fuel oils is made (1885, c. 98) the subject of careful regulations, under heavy penalties. Warned by the loss of life in hotel fires, an enactment was made, in 1883 (c. 251), that

"Every keeper of a hotel, boarding or lodging house containing one hundred or more rooms, and being four or more stories high, shall have therein at least two competent watchmen, each properly assigned, and each on duty between the hours of nine o'clock in the afternoon and six o'clock in the forenoon. And every keeper of a hotel, boarding or lodging house containing fifty or more, but less than one hundred rooms, and being three stories high, shall have between said hours at least one competent watchman on duty therein."

A red light is to stand at the head and foot of each flight of stairs. Alarms or gongs are to be conveniently placed. Posted notices as to these matters are to be conspicuous. School buildings over three stories high, and manufacturing establishments of that height, are to be well supplied with fire-escapes, which must be kept in good order. Improved automatic appliances may also be used (1884, c. 223). Tenement and lodging houses, three or more stories high, must be provided (1882, c. 266) with sufficient fire-escapes, to be approved by the inspector of factories and public buildings.

The state's regard for life and health extends to buildings, both their mechanical construction (1878,

c. 47) and their sanitary arrangements (1885, c. 374 and 382 for Boston) in full detail. Elevators are to be provided with safety apparatus (1882, c. 208), and must be placarded and stopped when unsafe (1883, c. 173). Wooden flues or air ducts are forbidden (1885, c. 326) in certain cases.

Contagious diseases have received the continued care of the state. Local boards of health, notified of a case of small-pox, must notify the state board within twenty-four hours (1883, c. 138). If a householder knows that a person in his family has a contagious disease dangerous to public health, he must (1884, c. 98) notify the local board of health or selectmen at once, and on the death or recovery of the person must disinfect the room and articles, under one hundred dollars' penalty. Physicians, under penalty of from fifty to two hundred dollars, must notify the authorities of dangerous contagious diseases in their practice.

"The school committees shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of small-pox, diphtheria, or scarlet fever, or during a period of two weeks after the death, recovery or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend, a certificate, from the attending physician or board of health, of the facts necessary to entitle him to admission in accordance with the above regulation" (1885, c. 198).

Protection against self-injury is another care of the state; hence the laws to regulate the sale of toy

pistols and other dangerous articles (1882, c. 272), to prohibit the sale of fire-arms and other dangerous weapons to minors (1884, c. 76), and to regulate the sale and use of poisons (1887, c. 38). The first was caused by repeated fatal accidents to children from playing with toy pistols, and the last was the outcome of frequent instances of suicide by the use of "rough on rats."

Delicate nerves have received the compassion of the state, and a law of 1879 (c. 284) requires the use of a muffler or other appliance to deaden the noise from operating vacuum brakes or from "a pop or other safety valve," under penalty of from one hundred to three hundred dollars for every locomotive, and a further fine of five dollars a day. The railroad commissioners are empowered (1885, c. 334) to forbid or regulate the use of locomotive whistles at grade crossings.

A few years ago a strong public feeling was aroused against the employment of children on the theatrical stage, the objection having to do both with morals and physical health, and a law was passed (1880, c. 88) that

"No license shall be granted for any theatrical exhibition or public show in which children under the age of fifteen years and belonging to the public schools are employed or allowed to take part as performers on the stage in any capacity, or where in the opinion of the board authorized to grant licenses such children

are employed in such a manner as to corrupt their morals or impair their physical health."

After the life has departed, the state does not give up its care. Burial is not permitted till the facts of the death are recorded (1878, c. 174) according to the latest ideas. Cremation is permitted (1885, c. 265) by the law for the formation of corporations for that purpose, but

"No body of a deceased person shall be cremated within forty-eight hours after decease, unless death was occasioned by contagious or infectious disease; and no body shall be received or cremated by said corporation until its officers have received the certificate or burial permit required by law before burial, together with a certificate from the medical examiner of the district within which the death occurred, that he has viewed the body and made personal inquiry into the cause and manner of death, and is of opinion that no further examination nor judicial inquiry concerning the same is necessary."

LABOR LEGISLATION.

FACTORY LAWS—WEEKLY PAYMENTS—ARBITRATION—EMPLOYERS' LIABILITY—FROGS AND SWITCHES—WOMEN AND MINORS—SPECIAL STOCK—CONVICT LABOR—LABOR DAY—VOTING—PEOPLES' HOMES.

WITHIN the decade legislation in the interest of employees of large corporations, or labor legislation, so called, has been unusually prominent. Especially true is this of the sessions of 1886 and 1887, when the "labor scare" among politicians prevailed, following the rapid growth of the Knights of Labor. More labor laws were passed in those two years than in the other eight. Material progress was then made in laws to protect the lives, health and property of employees and to settle their difficulties with their employers.

But in the early years of the ten some laws of this class were passed. The most important relate to manufacturing establishments chiefly. The law of 1874 that no minors under eighteen years and no women should be employed in manufacturing establishments over ten hours a day was amended in 1880 (c. 194) by requiring a conspicuous notice of the hours such help

must work on each day of the week to be posted in every room where they are employed. A law of 1886 (c. 90) requires the notice to include the time of beginning and stopping work, the time to be allowed for stopping and starting machinery and the time taken for dinner.

To guard the employees of manufacturing establishments and workshops from fire, it was provided by act of 1880 (c. 197) that every room in such places, where five or more operatives are employed above the second story, shall have more than one egress, either inside or outside, and as near as practicable at opposite ends of the room. A later act (1884, c. 52) says that "no outside or inside doors of any building, wherein operatives are employed, shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress."

To illustrate how labor laws are sometimes enacted, the following is worth notice: In 1882 certain employees in Plymouth felt aggrieved that their early morning bell, or "rousing bell," was no longer rung. Petitions for such ringing were circulated in their own and other factories and the result was a law (1883, c. 84) allowing employers to give notice to their employees by bells, whistles and gongs, subject to the regulation of the local authorities—much to the discomfiture of the individual who, in the first place, had

the rousing bell discontinued so as not to disturb his morning nap.

In 1886, under the impulse of accidents to operatives from being caught in machinery and being badly lacerated or killed before the machinery could be stopped, it was enacted (c. 173) that—

"In every manufacturing establishment where the machinery used is propelled by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed, by means of speaking tubes, electric bells or such other means as shall be satisfactory to the inspectors of factories: *provided*, that in the opinion of the inspectors such communication is necessary."

In the line of result from the same cause was the act (1886, c. 260) requiring all manufacturers (persons or corporations) to send to the chief of the district police a written notice of an accident to an employee resulting in death or injury sufficient to cause four days' absence from work. The record of such accidents is to be presented in the annual report of the chief.

In 1887 especial attention was given to the privileges and rights of factory operatives and the legislative leader in this respect was Mr. Quincy of Quincy. Most of the important bills were drawn by his own hand and were advocated more by him than by any other member. Detailed provision is made by chapter 103 for the proper sanitary condition of factories and workshops, under one hundred dollars' penalty, and

such condition is made part of the care of the factory inspectors, while the enforcement of the law rests with the local board of health. A subsequent chapter (c. 173) provides for the proper ventilation of factories and workshops so as to remove all injurious "gases, vapors, dust or other impurities," under penalty of one hundred dollars.

The evil of hurried and irregular meal hours was the object of chapter 215 (1887) and it enacts that "all children, young persons and women, five or more in number, employed in the same factory, shall be allowed their meal time or meal times at the same time." Exceptions are allowed for persons beginning work at different times,

> "—but no such children, young persons or women shall be employed during the regular meal hour in tending the machines, or doing the work of any other children, young persons or women in addition to their own," and
>
> "No child, young person or woman shall be employed in a factory or workshop, in which five or more children, young persons and women are employed, for more than six hours at one time without an interval of at least half an hour for a meal,"

with certain exceptions in harmony with the spirit of the act. This act does not apply to iron works, glass works, paper mills, letter-press printing establishments, print works, bleaching works or dyeing works. The chief of the district police may at his discretion, where it is proved to be necessary, with the approval of the

governor, issue a certificate of exemption from the law. The penalty of violating the law is from fifty to one hundred dollars. The owner is not to be held responsible (1887, c. 330) for work in violation of the law, and without the knowlege of the employer, by any minor under eighteen or by any woman.

The powers of factory inspectors have been enlarged (1887, c. 218) to include all the new duties imposed upon them as to sanitary condition and ventilation of factories and workshops, the employment of women and minors and precautions against fires.

In order to protect operatives from fines for imperfect weaving, a law has been passed (1887, c. 361) putting the imposition of such fines under strict regulation, tending to make weavers more watchful, and the fine is in no case to exceed the actual damage to the employer.

"No child under the age of fourteen years shall be permitted to clean any part of the machinery in a factory while such part is in motion by the aid of steam, water or other mechanical power, or to clean any part of such machinery that is in dangerous proximity to such moving part" (1887, c. 121).

One of the most protracted labor contests was that for weekly payments of wages to employees of corporations. Year after year the petitions were presented, but only to be defeated. Fortnightly payments bills were introduced, but they shared the same fate. The

especial opponents of the change were the great cotton manufacturing corporations, and they had their agents at the state house to prove to the legislature that it was impossible to make the change. But it was learned that the system was followed by some mills successfully. The petitioners were persistent and finally the opposition ceased for the most part and the law was enacted (1886, c. 87):

"Every manufacturing, mining or quarrying, mercantile, railroad, street railway, telegraph, telephone and municipal corporation and every incorporated express company and water company shall pay weekly each and every employee engaged in its business the wages earned by such employee to within six days of the date of said payment: *provided, however*, that if at any time of payment any employee shall be absent from his regular place of labor he shall be entitled to said payment at any time thereafter upon demand."

The penalty for violating the law was fixed at from ten to fifty dollars. In 1887 (c. 399) every municipal corporation and every incorporated county were also put under law. Railroad corporations, at the discretion of the railroad commissioners, may be exempt from weekly payments to such employees as prefer less frequent payments, when their interests and the public's will not suffer. The chief of the district police, or any factory inspector, is allowed to bring complaint against any corporation for violation of the law. This act was anticipated in part by that of 1879 (c. 128) requiring all cities to make weekly payments to all

their laborers who demand them, who are not given over two dollars a day.

We come now to a radical and important departure in labor legislation—the "act to provide for a state board of arbitration for the settlement of differences between employers and their employees" (1886, c. 263). As it marks a decided step of development, it is worth noticing in some detail, with its amendments of 1887 (c. 269). Section 1 provides for the appointment by the governor of three competent persons to serve as "a state board of arbitration and conciliation." One of the board must be an employer, or from an association representing employers of labor. One must be from a labor organization and not an employer of labor. The third is to be appointed on recommendation of the other two, or, if they do not agree within thirty days, by the governor, without their recommendation. The governor can fill vacancies and make removals. Section 2 requires the board to establish rules, subject to the approval of the governor and council. Section 3 is the most important of the law, and is as follows:

"Whenever any controversy or difference, not involving questions which may be the subject of a suit at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city or town in this Commonwealth, the board shall, upon application as hereinafter provided, and as soon as practicable thereafter, visit the locality of the dispute and make careful in-

quiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or town where said business is carried on."

Section 4 (1887) prescribes the method of application to the board. The application is to be signed by the employer, or by a majority of the employees in the department where the controversy exists, or by their agent, or by both parties, must give a concise statement of grievances and a promise to continue the business or work without lock-out or strike until the decision of the board, if it is within three weeks. The names of employees represented by an agent are to be kept secret by the board. Public notice of the time and place of the hearing is to be given, unless both parties request otherwise. If the applicants fail to keep their promise, the board shall not go on without the written consent of the other party. Witnesses may be examined under oath, and books with record of wages paid be required to be produced. Section 5 provides for publishing the decision. Section 6 says that the decision shall be binding for six months on the parties who join the application, "or until either

party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom." Section 7, by act of 1887, is much changed from section 7 of 1886. It allows the parties to submit their dispute to a local board of arbitration and conciliation, to be selected, one by each party, and the third by the other two, which board shall have all the powers of the state board in like case. When mayors or boards of selectmen are informed that a strike or lock-out is likely to occur, or is in progress, they must at once notify the state board of the facts. Section 8, by act of 1887, provides that in case of such notice to the state board,

"—it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, provided that a strike or lock-out has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board; and said state board may, if it deems it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes and assigning such responsibility or blame."

Sections 9 and 10 provide for compensation of witnesses and of the board.

Immediately following this chapter in the laws of 1887 is another (c. 270), which also marks a radical

departure. It is the famous employers' liability law, which was fought on both sides for years with great skill and persistence. Like some other laws, it appears to owe its existence, at as early a date as the present, to the conviction of one man that it was necessary to right a wrong, and that man, by his enthusiasm and untiring effort, has converted the majority. In this case that one man was Mr. Charles G. Fall, a young Boston lawyer. Striking instances were narrated, year after year, of great wrong to persons and suffering to families because an injured employee could not recover damages. Mr. Fall had the support from the beginning of those representing the employees to be benefited, but was opposed by the great corporations, by the conservatism of capital in its relation to labor, and by contractors. This law, also, is worthy of mention in detail, because it introduces a new feature in the practice of the state.

Section 1 gives the injured employee, who was in the exercise of due care and diligence (or, if the injury was fatal, his legal representative), the same right of compensation and remedies against the employer as if the employee had not been in his service, under these conditions: when he was injured,

"(1) By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from or had not been discovered or reme-

died owing to the negligence of the employer or of any person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or

"(2) By reason of the negligence of any person in the service of the employer, entrusted with and exercising superintendence, whose sole or principal duty is that of superintendence.

"(3) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad."

Section 2 provides that, in case of instant death, the widow or next of kin dependent upon the employee's wages may have the same rights as if the death had not been instantaneous, or as if the deceased had consciously suffered. Section 3 limits the compensation for personal injury to four thousand dollars, and for death at from five hundred to five thousand dollars, and provides the formalities for legal action. Section 4 covers the cases of contractors and sub-contractors to insure his rights to the employee. Section 5 debars from the benefit of the act any employee who knew of the defect which caused the injury and did not give notice of it to his employer or to a superior. Section 6 allows a part of the damages recoverable to be offset by the amount the employee has received from any insurance fund or other relief fund which was contributed by his employer. Section 7 is that the act shall not apply to injuries caused to domestic servants or farm laborers by fellow-employees.

Preceding this law by a few weeks (1887, c. 130) was the act to incorporate the American Mutual Liability insurance company from some of the best known business men of the state,

"—to be located in the city of Boston, for the purpose and with the power and authority of insuring employers of labor against losses from claims of their employees for injuries received while in their service."

Before the employers' liability bill was enacted, three laws were passed which in part grew out of the agitation, and were used to help postpone the main question, till the corporations finally succumbed to the inevitable. In 1882 (c. 244) employees of railroad and steamboat companies were authorized to form relief societies. In 1883 (c. 243) railroad companies were made liable for the death of an employee, in the exercise of due care, if he was killed under such circumstances as would have entitled him, if death had not resulted, to maintain an action for damages. In 1886 (c. 125) railroad corporations were authorized to join relief societies with their employees. The idea was that thus the road would contribute to the support of injured employees.

In 1884 (c. 222) railroad corporations were required to use safety couplers on freight cars. These are to be tested by the railroad commissioners (1886, c. 242). In 1886 (c. 120) such corporations were required to

fill or block the frogs, switches and guard rails on their tracks, so that the feet of the employees might not be caught in them. Instances were narrated in which men walking backward in making up trains had caught their feet in these traps and had been killed before they could extricate themselves, These laws were enacted by the direct effort of those who urged the labor legislation and were considered among their measures.

Women and minors in mercantile establishments have been the subject of legislation for their health, comfort and education. Sympathy for women and shop girls who were compelled to stand for hours behind counters, even though there might be ample opportunity to sit, thus endangering health and life by the prolonged strain, led to this law (1882, c. 150), with a penalty of from ten to thirty dollars:

"Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in this Commonwealth shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed."

The prohibition upon employing women or minors under eighteen years over ten hours a day in manufacturing establishments was extended in 1883 (c. 157) to mechanical and mercantile establishments. The same subject was up the next year (1884, c. 275) and

it was enacted that no minor under eighteen years should be employed in laboring in any mechanical establishment more than sixty hours in any one week, under penalty of from fifty to one hundred dollars. Conspicuous notices of the hours to be observed must be posted. The application of the law to mercantile establishments was repealed by this last act.

To induce employees to have a greater interest in their employer's business and to give them a share of the profits, a law has been passed (1886, c. 209) authorizing corporations to issue special stock to be held by their employees only. The par value of a share is to be ten dollars to be paid for in monthly instalments of one dollar. Proportional dividends are to be allowed to stock fully paid for, and the stock cannot be sold, except to fellow employees or to the corporation itself. This law owes its existence to Mr. Moseley of Newburyport, since secretary of the national inter-state commerce commission.

The regulation of convict labor has in recent years been a fertile issue in Massachusetts with "labor legislators," but the conservative element has for the most part held the others in check. In 1883 (c. 217) the number of prisoners who could be employed in any prison under any contract was limited as follows, in order that "honest labor" in the same industries might not suffer by competition:

"—in the manufacture of men's, boys' and youths' boots and shoes, not more than one hundred and fifty; in the manufacture of women's, misses' and children's boots and shoes, not more than one hundred and fifty; in the manufacture of hats, not more than one hundred and fifty; in the manufacture of brushes, not more than one hundred; in the manufacture of wood mouldings, not more than one hundred; in the manufacture of harnesses, not more than one hundred; or in any other industry, not to exceed one hundred and fifty."

In 1887, after long agitation and after wide researches by the committee on prisons, a bill was hurriedly forced through on the last day of the session (c. 447), providing in much detail for work on the state account system. As the law is the prospective (February, 1888) object of repeal or great modification, it cannot be said yet to embody the sense of the state.

A distinct labor enactment was that (1887, c. 263) "to make the first Monday of September, known as Labor's holiday, a legal holiday."

Another labor law of the same session (1887, c. 272) allows voters employed in manufacturing, mechanical or mercantile establishments two hours after the opening of the polls in which to vote. Employers violating the law are liable to a fine of from twenty to fifty dollars for each offence.

The labor wing of the legislature, helped by a few from the other side, has endeavored to pass a law and has come very near it by which the state shall build

small houses for laboring people to cost but a few hundred dollars each and to be paid for, principal and interest, in small sums. The chief advocate of the plan in the legislature was Mr. Robert Treat Paine in 1884 and, outside of the legislature, Mr. John M. Berry, who was the chief incorporator of the Lynn Workingmen's Aid Association (1880, c. 195), which renders such aid to men of small means. But no other act than that of 1880 has been passed.

BUSINESS DEVELOPMENT.

State Bonds—Savings Banks—Co-operative Banks—Railroads—Insurance—Loan and Trust Companies—Electricity—Gas—Insolvency—Agriculture—Limited Partnerships—Payments by Instalments—Checks.

If one looks over the things which the state within the ten years has ordered to be done, he will notice that a large proportion of them relate to what may be called its business and financial development. In other words, the state is proceeding rapidly, but cautiously, to make it easier for its citizens to acquire the good things of life. Though the broad opportunities are laid down in the constitution, yet the detail could not be foreseen by the state in its less developed condition, and new places are constantly found where the permission of the law is necessary for the development of new lines of investment for capital, for the promotion of new kinds of enterprises, and for the protection of property rights from new dangers which are found to be inherent in the changes continually made as business adapts itself to new forms and circumstances.

In the latter part of the ten years, especially, this

class of business legislation has developed rapidly, showing that the capital and labor of the state are accumulating an increasing amount from their profits and savings with which to enter into the production of other things for health, convenience or comfort. The Blue books of the later years are larger than ever before, and one who observes their contents will find that the growth is natural, as is the growth of that community whose enlarged sphere of action, extending in every direction from the center, finds ever before it an enlarging sphere of opportunity. This development seems to be healthful, and to be the right result of enterprise founded in reason, pushed with vigor, and backed by frugality and caution. It is not the unhealthy product of trade artificially stimulated by fictitious rewards.

In taking up now this legislation somewhat in detail by classes, to indicate the development of the state in this field, there may be put, first of all, a declaration of the state when the terrible effects of the long national debauch upon paper money had so broken the hopes of those who looked for a speedy recovery, that many were demanding a return to the cause of their suffering as a remedy for their pain. Debts were pressing. The years of retribution had been long. Even though the evil was in way of recovery and the worst had passed, yet the delusion of greenbackism

had many followers, and the temptation to pay the public debt in depreciated money was irresistible to many. Then (1878, c. 11) the state declared:

"The interest and principal of all scrip or bonds of the Commonwealth of Massachusetts are payable, and when due, shall be paid in gold coin or its equivalent."

That was the good faith and honor of Massachusetts under temptation.

Savings Banks.

In looking at what the state has done for the benefit of its people in their private finances directly, the care for the savings bank system is of high importance, for it relates to many thousand persons and to the solid prosperity of the small home-makers, upon whom rests much of the well-being of the whole. First on the list is what was popularly called the "stay law" (1878, c. 73), which gave rise to ridicule and defamation from outsiders, though it was wholly different from the "stay laws," with which it was invidiously compared. It was near the end of the financial depression, after the crash of 1873, though not so near but that savings banks were unable to realize the face of their loans on mortgaged real estate, and in the case of at least one Boston bank, an excited run for several days had blocked the street with alarmed and despond-

ent depositors. The bank weathered the storm, but others were in no condition to meet such a run. Under such pressure, the law was hastily enacted, like a command for the common safety of a boat-load of people, not all to rush to one side at once and capsize the boat, but to keep their places. The important section is in full, as follows:

"Whenever, in the judgment of the board of commissioners of savings banks, the security and welfare of the depositors in any savings bank in this Commonwealth shall require a limitation or regulation of payments to its depositors, said board may, by an order in writing directed to such bank, limit and regulate such payments in time and amount as the interests of all the depositors may require. Such order shall fully express the terms of said limitation or regulation; and it may be changed or wholly revoked whenever in the judgment of said commissioners the welfare of the depositors in such bank shall so require."

An aggrieved person had the right of appeal to the supreme judicial court, which should give public hearing upon the facts, and then affirm or annul the order of the commissioners. The law was self-limited to three years. It produced instantly the desired effect of preventing runs, and thus secured to depositors full payment of their deposits which they might otherwise have lost.

The same year was enacted a law (1878, c. 253) to regulate the practices of receivers of savings banks for the better management of the property and for the protection of depositors. By law of 1880 (c. 162), the

trustees of every savings bank are required to file with the savings bank commissioners a copy of the bond of their treasurer, and every treasurer must give a new bond as often as once in five years (1886, c. 93). In 1881 (c. 214) the improved financial situation giving new opportunities for safe investment, the strict limitations upon savings banks were relaxed so that they might invest in the safe first mortgage bonds of any New England railroad, or in notes secured by such bonds. Investments in public funds and bank stock were also given a wider field, but still were much restricted. That the public may know who are responsible for investments, it has been enacted (1883, c. 50) that the names of the boards of investment in savings banks must be advertised semi-annually in a newspaper in the county, the first time to be within thirty days of the election of the board.

To keep savings banks from too close connection with other banks, warned by disastrous examples, no savings bank can invest or hold as collateral security (1882, c. 224) more than three per cent. of its deposits in any state or national bank, nor can it deposit (1886, c. 95) over five per cent. of its total deposits in any one national bank, or trust company, or to an amount over twenty-five per cent. of the capital stock and surplus of such bank or company.

It was further enacted in the same spirit (1884,

c. 253) that savings banks should do business at their banking houses only, should not receive or pay deposits at any other place, and the house must be in the city or town where the corporation is.

By three several enactments the field for investment has been gradually enlarged to include state bonds of Pennsylvania, Ohio, Michigan, Illinois, Indiana, Wisconsin, Iowa and the District of Columbia; also the municipal bonds of any city in those states and New York state with over fifty thousand people and not over five per cent. net debt, or any notes secured by such bonds to eighty per cent. of their face; bonds and notes of incorporated districts in Massachusetts with not over five per cent. net debt; and further in New England railroad securities. A law of 1887 (c. 423) reduced the population qualification mentioned above to thirty thousand. By act of 1886 (c. 69) one third of the deposits and income may be invested in personal securities, not to run over a year, with two sureties, when principal and sureties are all residents and citizens of the state.

To add to the safety of depositors, no borrower on personal security, including corporations and partnerships, can borrow (1884, c. 168) over five per cent. of the deposits and income. In 1881 (c. 305) the tax on savings banks' deposits was reduced from three-fourths to one half of one per cent.

Some savings banks hold a large amount of money in the names of depositors who have not been heard from for a long time and probably never will be heard from again. To provide a means of restoring this money to the owner or heirs, if possible, a law was passed in 1887 (c. 319), Mr. Walker of Worcester having more to do with its passage than any other one member, requiring savings banks treasurers to report to the savings bank commissioners sworn statements of

"—the name, the amount standing to his credit, the last known place of residence or post-office address and the fact of death, if known to such treasurer, of every depositor who shall not have made a deposit therein or withdrawn therefrom any part of his deposit, or any part of the interest thereon, for a period of more than twenty years next preceding."

Advertisement of these particulars is to be made by the treasurers, but the law does not apply to depositors known to be living, nor to sums under twenty-five dollars.

Development of the savings bank system continues and banks have lately been established by special law in Warren (1882), South Framingham (1883), Reading (1885), Somerville (1885), Belmont (1885), the North Middlesex (1885), Holyoke (1885), West Newton (1887) and Conway (1887).

Co-operative Banks.

Co-operative saving fund and loan associations, as business investments for men of small means and as inducements to home building, have received care in late years and have been put under the supervision of the savings bank commissioners (1878, c. 52) who have all the powers over them that they do over savings banks (1879, c. 129). Regulation of the manner of distributing profits and losses is made (1881, c. 271) and also the method of paying for the shares. The name of the associations has been changed to "co-operative banks" (1885, c. 121) and the maintenance of a guaranty fund is required. Shares may be issued (1887, c. 216) up to one million dollars. The method of withdrawing unpledged shares and of shares issued to minors is regulated, also the treatment of partial payments of loans on real estate and the retirement of shares.

Railroad Development.

As to its railroad policy, the ten years have seen the state abandon its holding of railroad stocks and withdraw from any share in railroad management and investment as far as possible. It has sold its Boston and Albany stock, its New York and New England stock,

and the Hoosac Tunnel, with its accompanying line of over forty miles of track. Each of these transactions has been on a large scale and each, except the last, has had its dramatic interest in a marked sensational event.

The development of railroad law has not been extensive since the thorough codification in 1874. In order to prevent the imperiling of property by projected railroads and to limit railroad building to persons of ability and good faith, it was enacted (1878, c. 215) that:

"No railroad corporation shall be authorized to locate or construct its road or any branch or extension thereof or to enter upon and use any land or other property except for making surveys, until a sworn estimate of the total cost of constructing the same, prepared by the chief engineer of the corporation shall have been submitted to the board of railroad commissioners and approved by them; nor until it shall also have been made to appear to the satisfaction of said board that there has been actually subscribed by responsible parties, without any condition which invalidates the subscription, an amount of the capital stock of said corporation equal to at least fifty per centum of such estimated cost of construction, and that twenty per centum of the par value of each and every share has been actually paid into the treasury."

It was further enacted (1882, c. 265) that no road shall be constructed without a certificate from the railroad commissioners that the public convenience and necessity require it, and the articles of association are to be void, unless the certificate of incorporation is

issued within one year from the time the route is fixed. No steam railroad, or part of one, is to be located within three miles of the state house without the written consent of the railroad commissioners and of the mayor and aldermen, or of the selectmen where the location is desired.

Railroad consolidation has progressed greatly during the ten years. The Worcester and Nashua was authorized (1883, c. 129) to unite with the Nashua and Rochester. The Boston and Lowell was authorized (1886, c. 278) to unite with the Boston, Concord and Montreal and with several other roads to the north operated by it. The Lowell road has leased the Central Massachusetts and then leased itself, with the Central, to the Boston and Maine, which had already leased the Eastern. After the session of 1887, the Boston and Providence was leased to the Old Colony, leaving the act to be passed upon by the legislature.

By act of 1879 (c. 274) fifteen persons or more, a majority of them inhabitants of this state, may form a corporation to build railroads in foreign countries. This was passed to enable Massachusetts capitalists to engage in railroad building in Mexico, which was then looked upon with much favor.

For the benefit of fast trains and for the safety of travellers, a law of 1885 (c. 85) permits the establishment of interlocking or automatic signals where rail-

roads cross each other at grade, and another of the same year (c. 194) promotes the abolition of grade crossings of highways.

Street railway development may be briefly noticed. After a persistent struggle for years, during which several schemes for elevated roads in Boston were presented as rivals, the Meigs Elevated Railway company was chartered (1884, c. 87) to have a capital of one hundred thousand dollars a mile and to run between Boston and Cambridge. The ingenious invention which was thus given a possibility of life is the work of Captain Joe V. Meigs, and to him the enterprise owes its existence in the face of discouraging obstacles. But beyond building an experimental track in Cambridge, it had made no construction in the ten years under review.

To enable street railways to use the inventions of the times, a law of 1886 (c. 337) permits the use of the cable system. The consolidation of the street railways of Boston, permitted by act of 1886 (c. 229), but not completed till after the passage of the much-talked-about West End Bill of 1887 (c. 413), is to be noticed as a tendency of the times in that direction.

To prevent discrimination by railroad corporations in freight rates, a matter which has since had the attention of the interstate commerce commission, a law was passed in 1882 (c. 94) that

"No railroad corporation shall discriminate in charges for the transportation of freight against or in favor of any person, firm or corporation, or demand or accept from any person, firm or corporation for the transportation of freight, a higher or lower rate, or demand or grant terms more or less favorable, than those demanded or accepted from any other person, firm or corporation for like service."

But, after two years of trial, this was repealed and superseded by the following modified form (1884, c. 225):

"No railroad company shall in its charges for the transportation of freight or in doing its freight business make or give any undue or unreasonable preference or advantage to or in favor of any person, firm or corporation, nor subject any person, firm or corporation to any undue or unreasonable prejudice or disadvantage."

Even earlier than this the matter had come up, and a law was enacted (1879, c. 206) to prevent discrimination, but it related to milk only, and grew out of difficulties with railroad customers, who considered themselves injured by better rates given to rival milk dealers.

Insurance Changes.

The body of insurance legislation in the ten years has been large and important, mostly for the extension of the system, at the same time with added protection to the insured. Fire insurance companies of other states have been given added powers and duties in

Massachusetts (1878, c. 12); the dividends of joint-stock fire, marine and fire-marine companies of the state are forbidden (1878, c. 35) to exceed ten per cent. cash; the insurance commissioner is to be the attorney in this state of insurance companies of other states and countries (1878, c. 36); the number, extent and origin of fires, the amount of damage and of insurance, and the names of the owners or occupants of the premises must be sent to the commissioner every January by every city and town (1878, c. 104); foreign companies cannot do business in the state without depositing a sum equal to that required of state companies (1878, c. 130); fire insurance in excess of "the fair value of the property" is forbidden (1878, c. 162); no unlicensed persons or associations can engage in insurance (1878, c. 218); a standard form of insurance policy has been established (1880, c. 175, and 1881, c. 166); no policy of life or endowment insurance issued by a state company can become void for non-payment of premium after two full annual premiums have been paid (1880, c. 232), any stipulation to the contrary notwithstanding (1881, c. 63); re-insurance cannot be effected with a company or individual not authorized to do business in the state (1883, c. 33, and 1884, c. 120); a change in the form of securities deposited may be made (1883, c. 107); foreign fire insurance companies are given an option

(1884, c. 58) of returning their foreign business in their report to the commissioner, but if they do not return it, they cannot advertise it here; insurance directors may be elected by classes (1884, c. 74), so that the whole board cannot be changed at once; marine companies may insure against fire and lightning (1884, c. 177); life companies must not discriminate against persons of color (1884, c. 235)—a law owing its existence solely to the effort of Mr. Chappelle of Boston, the only member of color in the legislature that year; citizens may be licensed to procure fire insurance policies in companies not authorized to transact business in the state (1885, c. 300); mutual fire insurance companies may be formed with a subscription fund of from two hundred thousand to one million dollars (1885, c. 394); Canada has been added to the field of mutual fire insurance companies (1886, c. 222); finally, the whole body of insurance law has been codified (1887, c. 217), as the last work and monument of the late Commissioner Tarbox.

The new kinds of insurance permitted within the state by laws of the last ten years are fidelity insurance (1881, c. 51, 1884, c. 296 and 1885, c. 241), and real estate title insurance (1884, c. 180).

A rapid growth of assessment insurance has taken place during the decade and annual reports are required of such companies by act of 1880 (c. 196).

Fraudulent concerns were formed which imposed upon the public and the entire law was revised, strengthened and codified in 1885 (c. 183). The formation of assessment associations was at once checked and the system is now working out its development under the protection of law for honest dealing with the insured.

Loan and Trust Companies.

A noticeable feature of recent business legislation is the incorporation of loan and trust companies whose incorporators are usually moneyed men and whose capital is large. Each of these companies has a special charter and an attempt to frame a general law was found to excite so much opposition and to be so impracticable, as the companies persuaded the legislature, that it was abandoned. The tendency to form companies of this sort is a feature of the times. There are to be noticed the following corporations within the ten years: the International Trust company (1879), capital, $1,000,000 to $1,500,000; the American Loan and Trust company (1881), capital, $250,000 to $1,000,000; the Springfield Safe Deposit and Trust company (1885), capital, $100,000 to $500,000; the National Mortgage and Debenture company (1886), capital, $500,000; the New Bedford Safe Deposit and Trust company (1887), capital, $100,000 to $500,000; the

B. M. C. Durfee Safe Deposit and Trust company of Fall River (1887), capital, $100,000 to $500,000; the Bay State Trust company (1887), capital, $200,000 to $1,000,000; the Commonwealth Safe Deposit and Trust company (1887), capital, $2,000,000 to $10,000,000; the Lynn Safe Deposit and Trust company (1887), capital, $100,000 to $300,000; the Boston Water Trust and Investment company (1887), capital, $500,000; the Manufacturers' Loan and Trust company of Holyoke (1887), capital, $100,000 to $500,000; the Suffolk Trust and Investment company (1887), capital, $100,000 to $1,000,000; and the Hampden Loan and Trust company of Springfield (1887), capital, $100,000 to $500,000.

The Field of Electricity.

Regulation of telegraph and telephone companies is a growing feature of recent legislation. The local authorities are given power (1880, c. 83) to make reasonable regulations for the erection and maintenance of wires (including telegraph, telephone, fire and police) and the erection of lines may be prevented, or lines already erected may be removed at the expense of the owner or contractor. Lines for electric lights are put under the same rules as far as applicable (1883, c. 221). Putting wires upon any person's prop-

erty without his consent may be punished by one hundred dollars' fine (1884, c. 202). Telephone companies are forbidden (1885, c. 267) to discriminate between telegraph companies. This grew out of a complaint by the Baltimore and Ohio telegraph company that it was not served on the same terms as the Western Union. To prevent the aggrandizement of the American Bell Telephone company, it was forbidden (1886, c. 326) to hold over thirty per cent. of the capital stock of any subordinate telephone company. To secure greater care in the transmission of telegraphic messages, a penalty of one hundred dollars may be imposed (1885, c. 380) for each case of damages up to that amount, actually caused by negligence.

New inventions for lighting and heating have demanded the attention of the law-makers. In 1879 (c. 202) corporations with a capital of from five thousand to five hundred thousand dollars were authorized to be formed to sell gas, steam or hot water for lighting, heating, cooking or mechanical power. Gas companies could also engage in the business, and in 1885 (c. 240) a law authorized the formation of corporations to supply gas for heating, cooking, chemical and mechanical uses. By law of 1886 (c. 250) the gas of every company with over fifty consumers must be inspected at least twice a year, with an additional inspection for every six million feet of gas furnished.

In 1885 occurred the great gas contest in the legislature, resulting in a law (c. 314) establishing a board of gas commissioners and practically giving every established company a monopoly in the city or town where located. This course of public policy was decided upon on the ground that it had been shown by experience that competing gas companies resulted ultimately, by consolidation and advance of prices to make up the losses of previous competition, in more expense to the people than a single company. Aggrieved consumers may appeal to the commission, which has power to reduce rates. Great power is given to the commission and further regulations are laid down in the law of the following year (1886, c. 346), one of which is that "no gas company shall transfer its franchise, lease its works, or contract with any person, association or corporation to carry on its works, without the authority of the legislature." Gas companies have been empowered in a general law (1887, c. 385) to furnish electric light and the board of gas commissioners has been made a board of gas and electric light commissioners.

Miscellaneous Matters.

The insolvency laws have been changed in some detail in the ten years. An insolvent debtor may be

examined under oath (1881, c. 235) by the assignee or by any creditor before a judge upon all matters relating to his insolvency and any person suspected of fraudulent connection with the insolvency may be examined in like manner. Refusal to answer is punishable by imprisonment. In order to avoid going through the regular course of insolvency, a law was enacted in 1884 (c. 236) to provide a method of composition in insolvency, with full provision for division of the assets equitably and a discharge from insolvency. The course of proceeding was modified in 1886 (c. 353). The causes which shall prevent a discharge from insolvency were changed and restated in 1886 (c. 322). An act of 1887 (c. 340) confirms the acts done in good faith in a voluntary assignment by an insolvent person, notwithstanding subsequent insolvency proceedings by or against him.

Farmers and their pecuniary interests have been the subject of legislation to a slight degree. Several acts have been passed to control contagious diseases among domestic animals and they were codified in 1887 (c. 252). Plantations of timber trees are exempt from taxation (1878, c. 131 and 1880, c. 109), but this was done more to benefit the climate of the state by encouraging forests than to benefit the owners of woodland. Wanton destruction of forest by fire is punishable (1882, c. 163) by one hundred dollars' fine

or by six months' imprisonment. An elaborate bill for the preservation of forests was passed in 1882 (c. 255), authorizing towns and cities to make appropriations for that object, empowering the state board of agriculture to act as a state board of forestry and and permitting the taking of land for forests to be held as public domain. Strict regulations have been made for the inspection and sale of commercial fertilizers (1878, c. 258).

Some miscellaneous business acts are of interest to show certain tendencies or oddities. The Boston Limited Partnership company of 1885 (c. 208) was formed to loan money to likely young men to give them a start in business, and the company was to be a limited partner with them. By act of 1887 (c. 248) a limited partnership, lawfully succeeding to the business of a firm, may use the firm's name, upon consent of its members or of their legal representatives.

The Board of Aid to Land Ownership (1878, c. 148) was a half business, half philanthropic organization to help settlers to the west, somewhat after the manner of the Rugby settlement in Tennessee. It was formed while many people were still idle who would have gone west, had they had a chance, but the changed industrial situation soon made the board superfluous.

Abuses of the customers of those who sold furniture and other articles on the instalment plan, led to a law

(1884, c. 313) to prevent poor people with small business experience, especially women, from being made the victims of sharpers.

Occasional inconvenience and loss was the cause of the law of 1885 (c. 210) authorizing the payment of checks, demand drafts and savings bank orders, in case of the death of the drawer before payment, without waiting for the settlement of the estate.

TEMPERANCE LEGISLATION.

Sixth-class License—Liquor Transportation—Civil Damage Law—Punishment for Drunkenness—The Screen Law—Abuttor's Objection—School-house Law—Sureties—Sales at Night—Election Days—Sales Forbidden to Certain Persons—Temperance Text-books—Habitual Drunkards—Pigeon-holing Appealed Cases—Cigarettes—Liquor Clubs—Riots—Common Nuisance—Forfeiture of License—Prima Facie Law—Druggists and Apothecaries—Patent Ballot Boxes.

Last of all, in our view of the growth of Massachusetts, we come to a development of public morals which is worth separate notice because of its high importance—the liquor question. It is associated not only with morals, but with public administration, with religion, with education, with society, with life and health, with the labor question and with the business interests, and in every place it is present as a curse. It comes into every department of state development, changing, hindering and injuring the progress of the Commonwealth. No other subject approaches it in perennial interest in the legislature. Other matters rise and fall in apparent importance, but liquor measures have more interest for the members, session after

session, than anything else. A liquor debate is sure of attention. Personal sympathy, in opposition or support, is always excited by liquor bills, as if the members had themselves something to gain or lose. Something is attempted every year, and there is no doubt that the state is honest in its determination to restrict liquor selling in every practicable way. If the state could be satisfied that prohibition would stop selling better than the local option law, there is no doubt, from the temper of successive legislatures, that prohibition would be enacted.

At the beginning of the ten years the local option law was in force and has so remained, but at nearly every point where it has seemed possible to get a twist on the liquor dealers, the screws have been applied. Below will be found noted the several steps of the state's progress in fighting the liquor business.

In 1878 (c. 203) was established a new class of licenses, the sixth, that of druggists and apothecaries "to sell liquors of any kind for medicinal, mechanical and chemical purposes only, and to such persons only as may certify in writing for what use they want it;" fee, one dollar. Records were to be kept, open at all times to official inspection, showing the date of purchase, the name and residence of the purchaser, the kind and quality of the liquor, the purpose in using it, and the price.

The same year (1878, c. 207) it was enacted that

"No person shall bring into any town or city in which licenses are not granted any spirituous or intoxicating liquors, with intent to sell the same himself, or to have the same sold by another, or having reasonable cause to believe that the same is intended to be sold in violation of law."

The penalty for violation was forfeiture of the liquor.

In 1879 (c. 297) came the so-called "civil damages" law, which was stoutly opposed by the liquor interests. It says that

"Every husband, wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part of such person; and any person or persons owning, renting, leasing, or permitting the occupation of, any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or who, having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors, shall, if any such liquors sold or given therein, have caused, in whole or in part, the intoxication of any person, be liable severally or jointly, with the person or persons selling or giving intoxicating liquors as aforesaid, for all damages sustained, and the same may be recovered in an action of tort."

The owner or lessor, paying a penalty under the act, may recover it from the tenant under action of contract. This law, however, has been but little used.

By law of 1880 (c. 221) the second offence of drunkenness was made punishable by one dollar fine or ten

days' imprisonment. A male person, convicted of a third offence, might be punished by ten dollars' fine or a year's imprisonment. This law was modified in 1881 (c. 276), so that the first penalty should apply to the first offence, and should include costs. The second offence of a male person within twelve months was made punishable by five dollars' fine and costs, or two months' imprisonment, the third offence's punishment remaining the same as before. But even this policy was not satisfactory, and in 1885 (c. 365) the third offence was made punishable by sentence to the Concord reformatory for from one to two years, and the first offence was made punishable (1885, c. 375) by raising the fine from one to five dollars and the imprisonment from ten to thirty days.

Licenses of the first three classes (retailers') must specify (1880, c. 239) the rooms in which they are to be exercised, and cannot be exercised elsewhere. The licensee may be required to close permanently all entrances to the licensed premises, except from the street where located, under penalty of forfeiting the license. A free view of the premises may be ordered —the germ of the screen law. Intoxicating liquor is to include all with over three per cent. in volume of alcohol at sixty degrees Fahrenheit.

Conviction of illegal sale must be certified (1880, c. 249) to the board issuing the license.

In 1881 (c. 54) the law for taking the local option vote was put into its latest form, except the regulation of the size and typography of the ballots (1886, c. 49).

The famous screen law was enacted in 1881 (c. 225), and the essential words are these:

"And no such licensed person shall place or maintain, or authorize or permit to be placed or maintained, upon any premises used by him for the sale of spirituous or intoxicating liquors under the provisions of his license, any screen, blind, shutter, curtain, partition, or painted, ground, or stained glass window, or any other obstruction, which shall interfere with a view of the business conducted upon the premises. No person licensed as aforesaid shall expose in any window upon his premises any bottles or casks or other vessels containing, or purporting to contain, intoxicating liquors, in such way as to interfere with a view of the business conducted upon the premises."

Putting up an obstruction voids the license (1882, c. 259).

Following this (1881, c. 226) was enacted a law making the buildings used by liquor clubs in no-license cities and towns common nuisances.

The next restriction on the trade was to require all applications for a license to be advertised (1881, c. 255), so that the abuttors might be informed, and objection made, if desired. If the owner of adjoining real estate objected within ten days, the license could not be granted. This "abuttor's objection" law was evaded afterward in some cases by selling a strip of land a few inches wide to some friend of the liquor

seller, so that the objector was no longer an abuttor. This trick was met in 1887 (c. 323) by extending the right of objection so as to cover twenty-five feet on each side of the property.

The "four hundred feet" law—that no retailer's license shall be granted for liquor selling within four hundred feet, on the same street, of a building used in whole or in part for a public school—was enacted in 1882 (c. 220), and was at once enforced amid much interest, particularly in Boston.

Official inspection and analysis of liquor is provided for in detail (1882, c. 221). Common victuallers must close their premises (1882, c. 242) between midnight and five o'clock in the morning.

No surety on the bond of a licensee can be accepted who is not worth at least two thousand dollars over all liabilities (1882, c. 259).

Sale or delivery of liquor to a person who has received public charity within the twelve months next preceding the date of the license is forbidden (1884, c. 158).

The hours in which liquor selling is prohibited to licensed persons have been lengthened (1885, c. 90), so that the period of closed doors is from eleven P. M. to six A. M., instead of from midnight to six o'clock. This act was fought stubbornly on the ground that the hour next before midnight was one of the most profit-

able, and that the saloons were then most patronized, especially in Boston. But the legislature held to the argument that by that time of night most people ought to be in bed.

The sale or delivery of liquor on election days is prohibited to common victuallers and to innholders, except to registered guests, under fifty dollars' penalty (1885, c. 216). This was done to prevent the presence of an unusual number of intoxicated men on the streets on election days, which had become a scandal, especially in Boston.

To prevent liquor-selling to a person with the liquor habit, written notice, signed by the mayor or selectmen, may be given to any seller, forbidding any sale to the person named in the notice, and if liquor is sold to that person within twelve months, the mayor or selectmen may bring suit for damages for from one hundred to five hundred dollars (1885, c. 282).

The temperance text-book law (1885, c. 332) is as follows:

"Physiology and hygiene, which, in both divisions of the subject, shall include special instruction as to the effects of alcoholic drinks, stimulants and narcotics on the human system, shall be taught as a regular branch of study to all pupils in all schools supported wholly or in part by public money, except special schools maintained solely for instruction in particular branches, such as drawing, mechanics, art, and like studies. All acts or parts of acts relating to the qualifications of teachers in the public schools shall apply to the branch of study prescribed in this act."

Any habitual drunkard may be committed to a state lunatic hospital (1885, c. 339), and not be released "unless it appears probable that he will not continue to be subject to dipsomania or habitual drunkenness, or that his confinement therein is not longer necessary for the safety of the public or for his own welfare."

Much dissatisfaction was felt for years because appealed liquor cases were not tried, especially in Boston, but that they were "pigeonholed" by the district attorney. A law was passed to prevent this (1885, c. 359), and though efforts to repeal it were made in both 1886 and 1887, they failed. The law was that no liquor case should be "placed on file or disposed of, except by trial and judgment according to the regular course of proceedings in criminal cases, unless in any case the purposes of justice require other disposition thereof."

The "cigarette law" was passed in 1886 (c. 72), when but little liquor legislation was enacted, thus:

"No person shall sell any cigarette, snuff or tobacco in any of its forms to any person under sixteen years of age. No person other than the minor's parent or guardian shall give any cigarette, snuff or tobacco in any of its forms to any minor under sixteen years of age."

Penalty, fifty dollars. So far as appears, the law has been left to enforce itself.

In 1887 more interest than ever was shown in liquor

legislation, and though the prohibitory constitutional amendment was defeated, yet material addition was made to the restrictive liquor laws. Unlicensed selling, distributing or dispensing intoxicating liquors by clubs, is prohibited (1887, c. 206), except by such as do not appear to be organized for the liquor business and are duly licensed. This device of clubs as a means of evading the license law had particular development in some of the cities.

A consequence of the public disturbances during the Cambridge horse-car strike was the law (1887, c. 365), passed upon recommendation by Gov. Ames in a special message, empowering the local authorities in all places to close all retailers' establishments in cases of riot or great public excitement, for not over three days at any one time, the penalty of keeping open to be two hundred dollars' fine and forfeiture of the license.

Much is expected of the following law (1887, c. 380), which puts it in the power of ten men to close a saloon, without a trial and without that trouble with a jury which has so often been found a serious obstacle to the enforcement of the liquor laws:

"The supreme judicial court and superior court shall have jurisdiction in equity upon information filed by the district attorney for the district or upon the petition of not less than ten legal voters of any town or city setting forth the fact that any building, place or tenement therein is resorted to for prostitution, lewdness

or illegal gaming, or is used for the illegal keeping or sale of intoxicating liquors, to restrain, enjoin or abate the same as a common nuisance, and an injunction for such purpose may be issued by any justice of either of said courts."

Another screw on the liquor sellers is the law (1887, c. 392) that conviction of violating any part of the liquor code shall make void the license.

In the case of illegal selling, all the implements and furniture may be seized (1887, c. 406), as well as the liquor itself.

The "prima facie" law (1887, c. 414) is intended to facilitate convictions by making to be prima facie evidence of sales the exposing of any placard, sign or advertisement (except in a drug store), or of a United States tax receipt as dealer in spirituous or intoxicating liquors, other than malt liquors.

To check illegal selling by retail druggists and apothecaries, such persons are to be allowed only a sixth-class license (1887, c. 431), or a license for medicinal, mechanical or chemical purposes only, and they are put under close restrictions as to keeping records of sales.

The final liquor law of the session of 1887 was that (c. 443) to require the use of self-registering and self-cancelling ballot boxes in voting on the issue of liquor licenses under the local option law. This was in accord with a special message of Gov. Ames. The most important laws of the year are largely creditable

to the efforts of Mr. Darling of Somerville, house chairman of the liquor law committee, upon whom fell the brunt of the contest. The house stood well by the committee, and other restrictive measures, notably the bill to prevent liquor selling in tenement houses and "kitchen dives" were passed by it, but only to be defeated in the senate.

THE SUM OF IT ALL.

THE sum of it all is that the state has made material and manifest progress in the ten years. It is a better state than it was ten years ago. It has a keener perception of injustice to those who fail to secure justice, and a stronger purpose to redress wrongs done to its citizens, either by the working of civil forces or by the direct deeds of other citizens. The state is on a higher level than it was ten years ago, and the steps by which it has mounted are to be found in its laws. It is inspired by a stronger public virtue, and advances with a larger intelligence. If this seems to our friends in national union to be saying too much, it yet remains that at least the same public virtue and the same intelligence have secured a material addition to the rights and to the privileges of the large body of the people.

But the advance of the state is opposed and threatened at every step. Not only has it to meet the disintegrating forces of vice and ignorance, which are ever old, yet ever new, but it has also to face evils wholly new, growing out of the changes in its condi-

tion. The population of Massachusetts is becoming dense. Half of its people are in its cities, and the strength of the cities is from the country. Yet the proportion of the state which consumes men is constantly becoming larger, while the proportion which furnishes them for consumption is constantly becoming smaller. Immigration does not check, but aggravates the evil, and the question is whether the supply among the hills of the other New England states can satisfy the demand. The boys and girls of the state who grow up in cities, strangers to the freedom and strength of country life, without opportunity to work, save in the hotbeds of the public schools, and without scope to develop that self-reliance which is a second nature to those who must help themselves or go without, are constantly becoming a larger proportion of the whole.

Social and business conditions are changing with the growing density of population and with the new industrial situation. Large establishments are increasing. Small enterprises are crushed or smothered by large ones. Aggregation of capital and concentration of labor are the rule. Men capable, under the old system, of making a sufficient competence, are forced by the iron laws of trade to take subordinate positions in these large establishments where they have no plans of their own to make, no field of their own to develop,

no enterprise of their own to push to success, but only to do as best they may the will of their employer. As continual giving of charity to the poor tends to make them lean habitually upon others, to the loss of their own power of self-support, so this dependence of increasing numbers of capable men upon the will of a few tends to pauperize that spirit of manly independence which has been the strength of the state in the past. As self-government in local affairs, free from interference by the central authority, tends to the permanent well-being of the whole, so the management of his own affairs by the individual man tends to make the most of him. Massachusetts helps to local self-government in towns, but her business development tends to increase the ranks of the salaried men and to reduce the number of employers to the heads of a comparatively few great concerns. It is the resistless tendency of the times.

With these dangers to its children and to its adults, it promises to be in the future the chief concern and pressing problem of the state how to raise *men*.

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